

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

TWENTY-SEVENTH DAY'S PROCEEDINGS

**Thirty-second Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

Monday, May 15, 2006

The House of Representatives was called to order at 2:30 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

The roll being called , the following members answered to their names:

PRESENT

Mr. Speaker	Farrar	Montgomery
Alario	Faucheux	Morrell
Alexander	Frith	Morrish
Ansardi	Gallot	Odinot
Arnold	Geymann	Pierre
Badon	Glover	Pinac
Baldone	Gray	Pitre
Barrow	Greene	Powell, M.
Baudoin	Guillory, E.	Powell, T.
Baylor	Guillory, M.	Quezaire
Beard	Hammett	Richmond
Bowler	Harris	Ritchie
Bruce	Heaton	Robideaux
Bruneau	Hebert	Romero
Burns	Hill	Scalise
Burrell	Honey	Schneider
Carter, K.	Hopkins	Smiley
Carter, R.	Hunter	Smith, G.
Cazayoux	Hutter	Smith, J.D.—50th
Chandler	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Dartez	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker

Downs
Durand
Erdey
Fannin
Total - 105

Marchand
Martiny
McDonald
McVea

Walsworth
White
Winston
Wooton

ABSENT

Total - 0

The Speaker announced that there were 105 members present and a quorum.

Prayer

Prayer was offered by Rep. Barrow.

Pledge of Allegiance

Rep. Alexander led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. John Smith, the reading of the Journal was dispensed with.

On motion of Rep. Frith, the Journal of May 11, 2006, was adopted.

**Petitions, Memorials and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

SENATE BILLS

May 15, 2006

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 22, 34, 207, 296, and 502

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**Senate Bills and Joint Resolutions
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 22—
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 9:4103(A) and 4106(A)(2), relative to mediators and the Louisiana Mediation Act; to authorize court ordered mediation at the request of one party; to provide relative to qualifications of mediators; to provide relative to persons who served as judges; and to provide for related matters.

Read by title.

SENATE BILL NO. 34—

BY SENATORS LENTINI AND HOLLIS
AN ACT

To amend and reenact R.S. 13:1701(5) and 1702(A)(1) and (4) and to enact R.S. 13:1702(A)(5), relative to child custody; to provide relative to the designation of the home state of the child; to increase the required period of time of residence of the child to determine such designation when the child is evacuated due to a declared emergency or disaster; to provide relative to jurisdiction of a court of Louisiana relative to child custody matters when a child has been removed from the state; to require resumption of such jurisdiction under certain circumstances; to provide for definitions; and to provide for related matters.

Read by title.

SENATE BILL NO. 207—

BY SENATORS MICHOT, BOASSO, DUPLESSIS, HOLLIS, MOUNT, QUINN AND SCHEDLER
AN ACT

To enact R.S. 51:1783(10) and 1787(K), relative to the Louisiana Enterprise Zone Act; to define the term "residential type development"; to provide for additional business enterprises eligible for participation in the Louisiana Enterprise Zone Act; and to provide for related matters.

Read by title.

SENATE BILL NO. 296—

BY SENATORS QUINN AND HINES AND REPRESENTATIVE TOOMY
A JOINT RESOLUTION

Proposing to amend Article VI, Section 14 of the Constitution of Louisiana, to provide that no law, unless enacted by two-thirds of the elected members of each house of the legislature, requiring increased expenditures for any purpose shall be applicable to a city, parish, or other local public school board except under certain circumstances; to provide for exceptions to such prohibition; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

SENATE BILL NO. 502—

BY SENATOR HEITMEIER
AN ACT

To enact R.S. 14:329.9, relative to the crime of price gouging; to provide for the elements of the crime of price gouging; to provide for penalties; and to provide for related matters.

Read by title.

House and House Concurrent Resolutions

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 194—

BY REPRESENTATIVE LAFONTA
A CONCURRENT RESOLUTION

To authorize and request the Louisiana State Law Institute to evaluate the impact of immigration on Louisiana laws and make recommendations to the legislature on those areas of laws which should be studied or make recommendations as to specific changes to existing laws or proposing the enactment of new laws, or both.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

**Senate Bills and Joint Resolutions on
Second Reading to be Referred**

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 48—

BY SENATORS FONTENOT, MOUNT AND SCHEDLER
AN ACT

To enact R.S. 40:1238.1, 1238.2, and 1238.3, relative to public health and safety; to prohibit certain acts without a prescription for legend drugs; to prohibit prescriptions in certain circumstances; to provide for exceptions; to provide for penalties; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

SENATE BILL NO. 78—

BY SENATOR THEUNISSEN
AN ACT

To amend and reenact R.S. 31:11, relative to minerals; to provide relative to mineral rights and ownership of land; to provide relative to reservations of mineral rights; to provide relative to correlative rights; to provide relative to transfers of ownership of land; to provide certain requirements, conditions, and terms; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

SENATE BILL NO. 101—

BY SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 26:90(I) and (J) and 286(I) and (J), and to enact R.S. 26:90(K) and 286(K), relative to alcoholic beverages; to increase the penalties for selling alcoholic beverages to a minor; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

SENATE BILL NO. 178—

BY SENATOR KOSTELKA
AN ACT

To enact R.S. 14:95(K), relative to illegal carrying and discharge of weapons; to provide for certain exemptions from the prohibition of carrying concealed weapons for retired justices and judges who are qualified annually by the Council on Peace Officer Standards and Training; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

SENATE BILL NO. 455—

BY SENATOR MALONE
AN ACT

To amend and reenact Section 6 of Act 169 of the 2005 Regular Session of the Legislature of Louisiana, relative to recodation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recodation of documents; to provide relative to mineral rights and certain civil

actions; to provide an exemption for certain mineral leases; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

SENATE BILL NO. 583—
BY SENATOR FONTENOT

AN ACT

To enact R.S. 30:2413.1, relative to environmental quality; to require the secretary of the Department of Environmental Quality to develop and implement a comprehensive debris management plan for certain debris generated by natural disasters; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Environment.

SENATE BILL NO. 617—
BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 37:223, relative to professions and occupations; to provide for attorneys; to create a Standing Committee on Attorney Advertising; to provide for its members, their appointment, terms, and duties; to authorize such committee to evaluate certain advertising material, make certain recommendations, and issue certain advisory opinions; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

SENATE BILL NO. 682—
BY SENATOR MCPHERSON

AN ACT

To enact Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1025.1 through 1025.8, relative to licensed nursing facilities and adult residential care providers; to authorize certified medication attendants in licensed nursing facilities and adult residential care providers; to provide for definitions, certification, authorized and prohibited functions, and qualifications; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Health and Welfare.

SENATE BILL NO. 739—

BY SENATORS BOASSO, BAJOEI, BARHAM, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREAUX, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MURRAY, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH AND THEUNISSEN AND REPRESENTATIVE SCALISE

AN ACT

To amend and reenact R.S. 39:15.2(A) and to enact R.S. 29:726.1 through 726.7, and Chapter 18 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1151 through 1157, relative to intergovernmental communications interoperability; to provide for the creation of the office of interoperability; to provide for a communications interoperability director; to establish the Statewide First Responders Interoperability Committee to design, construct, administer, and maintain a statewide shared communications

system for first responders; to create the Louisiana Statewide Interoperability Executive Committee to design, construct, administer, and maintain a Statewide Communication Interoperability Plan; to provide for coordination with the chief information officer; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Judiciary.

SENATE BILL NO. 240—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 23:1371(B), 1372, 1375(B), 1377(C)(1), and (2), and (D)(1), 1378(A)(1), (2), (3)(a)(iii), (b)(ii), and (7), (E), and (F)(30), and 1379, and to enact R.S. 23:1371(D) and 1371.1, relative to workers' compensation; to provide with respect to the Louisiana Workers' Compensation Second Injury Fund; to provide for the confidentiality of records; to provide for definitions; to provide for membership to the second injury board; to provide for the personnel of the second injury board; to provide for payment of assessments and penalties to the second injury fund; to provide for prescriptive periods for submission of requests for reimbursement; to provide for required reports to the second injury board; to provide for notice of decisions of the second injury board; to provide for the diagnosis of mental retardation in a second injury fund claim; to provide for the annual report of the second injury board; and to provide for related matters.

Called from the calendar.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

**House and House Concurrent Resolutions
Reported by Committee**

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 31—
BY REPRESENTATIVE ROBIDEAUX

A CONCURRENT RESOLUTION

To direct the attorney general to examine the interaction between the applicable provisions of Title 47 of the Louisiana Revised Statutes of 1950 regarding income taxes and the provisions of the Louisiana Election Code and determine what, if any, implications exist if a displaced citizen files a nonresident or part-year resident state income tax form, particularly one listing an out-of-state address, and is registered to vote in Louisiana and votes in Louisiana elections; to design an appropriate notice to displaced citizens which simply and concisely outlines any such implications; and to expeditiously mail such notice to all displaced citizens of Louisiana with an out-of-state address in accordance with the most current list of such persons obtained by the attorney general from the Federal Emergency Management Agency.

Read by title.

Reported by substitute by the Committee on House and Governmental Affairs.

The substitute was read by title as follows:

Page 4 HOUSE

27th Day's Proceedings - May 15, 2006

HOUSE CONCURRENT RESOLUTION NO. 201 (Substitute for House Concurrent Resolution No. 31 by Representative Robideaux)—

BY REPRESENTATIVE ROBIDEAUX

A CONCURRENT RESOLUTION

To direct the secretary of the Department of Revenue to design an appropriate notice to displaced citizens of this state providing information on domicile and residence requirements for filing individual income taxes as provided in Title 47 of the Louisiana Revised Statutes of 1950 and to expeditiously mail such notice to all displaced citizens of Louisiana.

Read by title.

On motion of Rep. Lancaster, the substitute was adopted and became House Concurrent Resolution No. 201 by Rep. Robideaux, on behalf of the Committee on House and Governmental Affairs, as a substitute for House Concurrent Resolution No. 31 by Rep. Robideaux.

Under the rules, lies over in the same order of business.

HOUSE CONCURRENT RESOLUTION NO. 118—

BY REPRESENTATIVE ARNOLD

A CONCURRENT RESOLUTION

To urge and request the nine statewide public retirement systems to direct at least ten percent of certain trades and commissions through broker-dealers who have been incorporated, domiciled, or who have their principal trading operations in Louisiana for at least two years as required by law applicable to the four state retirement systems, provided no additional costs are incurred by the systems.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Concurrent Resolution No. 118 by Representative Arnold

AMENDMENT NO. 1

On page 1, at the end of line 6, delete the period "." and insert a comma "," and "provided no additional costs are incurred by the systems."

AMENDMENT NO. 2

On page 1, after line 20, insert the following:

"WHEREAS, state law mandates that the prudent man rule shall be applied by each public retirement system, fund, or plan and requires each fiduciary of a retirement system and each board of trustees acting collectively on behalf of each system to act with the care, skill, prudence, and diligence under the circumstances prevailing that a prudent institutional investor acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims; and

WHEREAS, state law requires that all trades be subject to best efforts and best executions as defined by the Securities and Exchange Commission and the National Association of Securities Dealers; and"

AMENDMENT NO. 3

On page 2, line 1, after "systems" and before "would" insert "to those required by law for state retirement systems"

AMENDMENT NO. 4

On page 2, at the end of line 8, delete the period "." and insert a comma "," and "provided no additional costs are incurred by the systems."

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the resolution, as amended, was ordered engrossed and passed to its third reading.

Senate Concurrent Resolutions Reported by Committee

The following Senate Concurrent Resolutions reported by committee were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 76—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development and the House Committee on Agriculture, Forestry, Aquaculture and Rural Development to meet and function as a joint committee to study the feasibility of creating a Louisiana agricultural and seafood surplus products purchase program and the creation of a purchasing board to oversee the program; and to report its findings, together with any recommendations for legislation, to the legislature.

Read by title.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

Under the rules, the above resolution was recommitted to the Committee on House and Governmental Affairs.

House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 54—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 44:9(J), relative to expungement or destruction of criminal records; to provide a procedure for the destruction of certain expunged arrest records; to provide for applicability; to provide with respect to the rights of a person having an arrest record destroyed; to provide for retroactive application; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed House Bill No. 54 by Representative Townsend

AMENDMENT NO. 1

On page 2, line 9, after "agency's" and before "central" insert "or law enforcement office's"

AMENDMENT NO. 2

On page 2, line 12, after "agency" and before "which said" and insert "or law enforcement office"

AMENDMENT NO. 3

On page 2, line 15, after "agency's" and before "files" insert "or law enforcement office's"

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered reengrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 144—

BY REPRESENTATIVES HUNTER, DURAND, AND MONTGOMERY
AN ACT

To enact Part II of Chapter 6 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:661 through 669, relative to payment of wages; to provide for definitions; to provide for prohibited acts constituting unequal pay; to require certain records be kept by employers; to provide for relief; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Labor and Industrial Relations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 144 by Representative Hunter

AMENDMENT NO. 1

On page 1, line 3, after "through" change "665" to "669"

AMENDMENT NO. 2

On page 1, line 9, delete "to be" and after "through" change "665" to "669"

AMENDMENT NO. 3

On page 1, between lines 13 and 14 insert the following:

"§662. Declaration of public policy

The public policy of this state is declared to be that the practice of paying wages to employees of one sex at a lesser rate than the rate paid to employees of the opposite sex for comparable work on jobs which have comparable requirements unjustly discriminates against the person receiving the lesser rate; leads to low worker morale, high turnover, and frequent labor unrest; discourages workers paid at the lesser wage rates from training for higher level jobs; curtails employment opportunities, decreases workers' mobility, and increases labor cost; impairs purchasing power and impairs maintenance of an adequate standard of living by such workers and their families; prevents optimum utilization of the state's available

labor resources; threatens the well-being of citizens of this state; and adversely affects the general welfare. It is therefore declared to be the policy of this state through the exercise of its police power to correct and, as rapidly as possible, to eliminate discriminatory wage practices based on sex."

AMENDMENT NO. 4

On page 1, line 14, change "§662" to "§663"

AMENDMENT NO. 5

On page 1, between lines 16 and 17 insert the following:

"(1) "Commission" means the Louisiana Commission on Human Rights."

AMENDMENT NO. 6

On page 1, line 17, change "(1)" to "(2)"

AMENDMENT NO. 7

On page 1, line 18, change "(2)" to "(3)"

AMENDMENT NO. 8

On page 1, line 19, after "person," insert "labor organization as defined in this Part,"

AMENDMENT NO. 9

On page 2, line 3, change "(3)" to "(4)"

AMENDMENT NO. 10

On page 2, line 7, change "§663" to "§664"

AMENDMENT NO. 11

On page 3, between lines 18 and 19 insert the following:

"§665. Enforcement

The commission shall have the power and it shall be its duty to enforce the provisions of this Part.

§666. Complaint procedure

An employee claiming to be aggrieved by a violation of R.S. 23:661 et seq. may file a complaint with the commission requesting an investigation of the complaint pursuant to R.S. 51:2257et seq.

§667. Liquidated damages

A. An employer who violates the provisions of this Part shall be liable to the affected employees in the amount of their unpaid wages, and an additional amount of one-half of unpaid wages in liquidated damages as well as reasonable attorney fees and cost.

B. In the event that such damages are appropriate, an employer who violates the provisions of this Part shall be liable to the affected employees for employment, reinstatement, promotion, and any benefits lost.

C. The award of monetary relief shall be limited to those violations which have occurred within a thirty-six-month period prior to the filing of a complaint with the commission.

Page 6 HOUSE

27th Day's Proceedings - May 15, 2006

D. The complainant may not be awarded monetary relief for losses incurred between the time of the commission's final determination and the final determination by the district court or higher appellate court, as the case may be.

E. Interim earnings by the employee discriminated against shall operate to reduce the monetary relief otherwise allowable.

F. Nothing in this Part prevents the settlement of a claim by agreement of the employer and employee for a lesser amount.

§668. Limitation of actions

A. Any action to recover unpaid wages and liquidated damages based on a violation of R.S. 23:661 et seq., must be commenced within one year of the date that an employee knows that his employer is in violation of this Part.

B. This one-year period shall be suspended during the pendency of any administrative review conducted by the commission."

AMENDMENT NO. 12

On page 3, delete lines 19 through 22 in their entirety

AMENDMENT NO. 13

On page 3, line 23, change "665" to "669"

On motion of Rep. Hunter, the amendments were adopted.

On motion of Rep. Hunter, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 169—

BY REPRESENTATIVE BADON

AN ACT

To amend and reenact R.S. 40:2531(B)(7), relative to investigations of law enforcement officers; to provide for the length of time within which an investigation of certain law enforcement officers must be completed in a parish with a population exceeding four hundred seventy-five thousand; to provide for disciplinary action for failure to timely complete the investigative report; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 169 by Representative Badon

AMENDMENT NO. 1

On page 1, line 4, after "completed" and before the semicolon ";", insert "in a parish with a population exceeding four hundred seventy-five thousand"

AMENDMENT NO. 2

On page 1, line 13, immediately after "7" insert "(a)"

AMENDMENT NO. 3

On page 1, line 15, after "within" delete the remainder of the line and insert "sixty days."

AMENDMENT NO. 4

On page 1, delete lines 16 and 17 and on line 18, delete "to receive the report."

AMENDMENT NO. 5

On page 2, line 11, after "activity." delete the remainder of the line in its entirety

AMENDMENT NO. 6

On page 2, delete lines 12 through 14 in their entirety

AMENDMENT NO. 7

On page 2, after line 14, insert the following:

"(b) In a parish with a population exceeding four hundred seventy-five thousand according to the latest federal decennial census, except as otherwise provided in this Subparagraph, each investigation of a law enforcement officer which is conducted under the provisions of this Chapter shall be completed within one hundred twenty days from the date the complaint is made. For purposes of this Subparagraph, "completed" means the date the investigator submits the investigative report to his supervisor or officer designated to receive the report. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the officer who is under investigation. The officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to sixty days. Nothing contained in this Subparagraph shall be construed to prohibit the law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty days. Further, nothing in this Subparagraph shall limit any investigation of alleged criminal activity. If the investigator fails to submit the completed report within the delay provided in this Subparagraph and any extensions granted in accordance within this Paragraph, the investigator shall be subject to disciplinary action in accordance with the rules applicable to his employment."

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 347—

BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 3:3004(B), relative to impounding livestock found at large; to increase the fee for retrieval of escaped livestock in Vermilion Parish; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 347 by Representative Frith

AMENDMENT NO. 1

On page 1, line 20, after "for" and before "He" delete "each head of livestock taken," and insert "the first head of livestock taken and twenty dollars for each head taken thereafter for each call the office receives to secure livestock."

AMENDMENT NO. 2

On page 2, line 2, change "two" to "three"

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 567—

BY REPRESENTATIVES TOOMY AND ANSARDI
AN ACT

To amend and reenact R.S. 15:571.11(A)(1)(a) and to enact R.S. 15:571.11(N), relative to district courts; to provide for the disposition of fines and forfeitures; to provide for the payment of expenses incurred in the defense of indigent persons; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Judiciary.

The substitute was read by title as follows:

HOUSE BILL NO. 1385 (Substitute Bill for House Bill No. 567 by Representative Toomy)—

BY REPRESENTATIVES TOOMY AND ANSARDI
AN ACT

To enact R.S. 15:571.11(N), relative to the Twenty-Fourth Judicial District Court; to provide concerning the operational funds of the court; to provide relative to the Criminal Court Fund; to provide for transcription of indigent felony cases; and to provide for related matters.

Read by title.

On motion of Rep. Toomy, the substitute was adopted and became House Bill No. 1385 by Rep. Toomy, on behalf of the Committee on Judiciary, as a substitute for House Bill No. 567 by Rep. Toomy.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 705—

BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 11:1307(F), relative to the State Police Pension and Retirement System; to provide an additional benefit for certain retirees and their surviving spouses, subject to certain limitations; to provide with respect to disability retirees; to provide an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 705 by Representative White

AMENDMENT NO. 1

On page 1, line 13, after "F.(1)" delete the remainder of the line and delete lines 14 through 19 and insert the following:

"Notwithstanding any provision of law to the contrary, any retiree of this system who has twenty or more years of service credit in the system and has been retired for at least five years on June 30, 2006, and whose monthly regular retirement benefit provided pursuant to this Section does not exceed one thousand two hundred dollars, shall be paid, in addition to such monthly regular retirement benefit, the sum of three hundred dollars per month provided that such additional monthly benefit shall not cause the retiree's monthly benefit to exceed the sum of one thousand two hundred dollars, and such additional monthly benefit shall be reduced accordingly."

AMENDMENT NO. 2

On page 2, at the end of line 4 insert "For the purposes of this Paragraph, surviving spouse shall mean a person who is married to the retiree at the time of his death."

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 775—

BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1235, relative to tutorship; to provide for the direct payment to children who are eighteen years or older; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Labor and Industrial Relations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 775 by Representative Hunter

AMENDMENT NO. 1

On page 1, line 17, after "older" insert a comma " ," and "except when the dependent is mentally or physically impaired."

On motion of Rep. Hunter, the amendments were adopted.

On motion of Rep. Hunter, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

Page 8 HOUSE

27th Day's Proceedings - May 15, 2006

HOUSE BILL NO. 791—

BY REPRESENTATIVES LANCASTER, SMILEY, ALARIO, DEWITT, DORSEY, HAMMETT, JEFFERSON, RICHMOND, RITCHIE, AND SALTER AND SENATORS BAJOE, HINES, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 17:2047(B) and 2048(C), R.S. 23:1871(O) and (P), R.S. 25:1223(E) and 1224(A)(introductory paragraph) and (13), R.S. 37:1005(B), and R.S. 46:2674(A)(2), to enact R.S. 36:209(H)(3) and 259(D), and to repeal Part X of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:551.81 through 551.85, R.S. 23:103 and 1871(C)(13) and (G)(2), R.S. 25:1222(C) and 1223.1, Chapter 30 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1261 through 1264, Part I of Chapter 6 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:401, Chapter 27 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2351 through 2357, R.S. 36:109(G)(2), 209(I), (R), (T), and (Y), 239(C), 259(E)(22) and (HH), 309(H), 359(H), 629(E)(2), 744(K), 802.13, 802.20, and 919.5, Subpart C of Part III of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1007, R.S. 38:291(J) and 421(I), Chapter 15 of Title 41 of the Louisiana Revised Statutes of 1950, comprised of R.S. 41:1751 through 1753, Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:844.21 through 844.25, R.S. 46:2675, Chapter 7 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2341 through 2347, Part VI-D of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:109.1, R.S. 49:229.1, Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2401 through 2406, and Act No. 319 of the 1977 Regular Session of the Legislature, relative to boards, commissions, districts, authorities, and like entities; to abolish certain boards, commissions, districts, authorities, and like entities; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Pork Promotion Board; to remove references to and provisions for the Louisiana-Mississippi Tangipahoa River Waterway Compact; to remove references to, provisions for, and the powers, functions, and duties of the Grant Parish Port Commission; to remove references to, provisions for, and the powers, functions, and duties of the Nursing Supply and Demand Commission; to remove references to, provisions for, and the powers, functions, and duties of the North Bossier Levee District; to remove references to, provisions for, and the powers, functions, and duties of the 211 Planning Advisory Board, including certain duties of the Public Service Commission relative to the study of and reports relative to a 211 information and referral system; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Advisory Committee on Assisted Living; to remove references to, provisions for, and the powers, functions, and duties of the Education Facilities Trust Fund District and its board of trustees; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Private Employment Service Advisory Council; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Purchase Commemorative Act Commission; to remove certain references to the Louisiana Biomedical Research and Development Park Commission and the Louisiana Litter Reduction and Public Action Commission; to remove references to, provisions for, and the powers, functions, and duties of the Atchafalaya Trace Advisory Board; to remove references to, provisions for, and the powers, functions, and duties of the Eastern New Orleans Interstate Oversight Commission; to remove references to, provisions for, and the powers, functions, and duties of the First Stop Shop Coordinating Council; to remove references to, provisions for, and the powers, functions, and duties of the Manchac Parkway and its commission; to remove references to, provisions for, and the powers, functions, and duties of the Red River Development Council; to remove

provisions for the Pointe Coupee-West Feliciana Bridge, Ferry, and Tunnel Authority; to abolish the Louisiana Unmarked Burial Sites Board and provide that its powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Culture, Recreation and Tourism; to abolish the Rural Health Care Authority and provide that its powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Health and Hospitals; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 791 by Representative Lancaster

AMENDMENT NO. 1

On page 1, line 2, after "reenact" insert "R.S. 17:2047(B) and 2048(C), R.S. 23:1871(O) and (P),"

AMENDMENT NO. 2

On page 1, line 2, after "and (13)," and before "to" insert "R.S. 37:1005(B), and R.S. 46:2674(A)(2),"

AMENDMENT NO. 3

On page 1, at the end of line 4, after "551.85," insert "R.S. 23:103 and 1871(C)(13) and (G)(2),"

AMENDMENT NO. 4

On page 1, line 9, after "R.S. 36:109" delete "(B)," and insert "(G)(2),"

AMENDMENT NO. 5

On page 1, line 9, after "(R)," and before "359(H)," delete "and (T)," and insert "(T), and (Y), 239(C), 259(E)(22) and (HH), 309(H),"

AMENDMENT NO. 6

On page 1, line 10, after "744(K)," and before "Part" delete "and 802.13" and insert the following:

"802.13, 802.20, and 919.5, Subpart C of Part III of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1007, R.S. 38:291(J) and 421(I), Chapter 15 of Title 41 of the Louisiana Revised Statutes of 1950, comprised of R.S. 41:1751 through 1753, Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:844.21 through 844.25, R.S. 46:2675, Chapter 7 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2341 through 2347,"

AMENDMENT NO. 7

On page 1, line 11, after "R.S. 49:229.1," delete the remainder of the line and delete line 12 and at the beginning of line 13, delete "978,"

AMENDMENT NO. 8

On page 1, at the beginning of line 18, insert "Louisiana"

AMENDMENT NO. 9

On page 2, line 2, after "Commission;" delete the remainder of the line and delete lines 3 and 4 and insert the following:

"to remove references to, provisions for, and the powers, functions, and duties of the Nursing Supply and Demand Commission; to remove references to, provisions for, and the powers, functions, and duties of the North Bossier Levee District; to remove references to, provisions for, and the powers, functions, and duties of the 211 Planning Advisory Board, including certain duties of the Public Service Commission relative to the study of and reports relative to a 211 information and referral system; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Advisory Committee on Assisted Living; to remove references to, provisions for, and the powers, functions, and duties of the Education Facilities Trust Fund District and its board of trustees; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Private Employment Service Advisory Council; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Purchase Commemorative Act Commission; to remove certain references to the Louisiana Biomedical Research and Development Park Commission and the Louisiana Litter Reduction and Public Action Commission; to remove references to,"

AMENDMENT NO. 10

On page 2, line 10, after "commission;" delete the remainder of the line and delete line 11 and on line 12, delete "Promotion Board;"

AMENDMENT NO. 11

On page 2, line 15, change "provides" to "provide"

AMENDMENT NO. 12

On page 2, between lines 21 and 22, insert the following:

"Section 1. R.S. 17:2047(B) and 2048(C) are hereby amended and reenacted to read as follows:

§2047. Nurse training programs; student demand; documentation; report; authorization to obtain criminal history record information

* * *

B. Such records shall be submitted to the Board of Regents and the postsecondary education management boards on a quarterly basis and shall also be submitted to the Nursing Supply and Demand Commission on whatever schedule they request.

* * *

§2048. Nurse training programs; establishment

* * *

C. Expansion of existing programs or establishment of additional programs shall be sought with due regard for the efficient expenditure of state funds and after consultation with the Nursing Supply and Demand Commission.

Section 2. R.S. 23:1871(O) and (P) are hereby amended and reenacted to read as follows:

§1871. Louisiana Health Works Commission; creation; membership; compensation; staff and facilities; powers and duties; data collection and reporting

* * *

O.(+) The commission shall solicit, accept, and consider any recommendations forwarded by ~~the Nursing Supply and Demand Commission (R.S. 37:1007); and~~ the Medical Education Commission (R.S. 17:1519.8); and the Allied Health Workforce Council. These commissions and the council shall recommend specific and targeted strategies to the Louisiana Health Works Commission for purposes of coordination among various state departments by the Louisiana Health Works Commission.

(2) ~~The Nursing Supply and Demand Commission, the Medical Education Commission, and the Allied Health Workforce Council shall each make initial reports to the commission no later than September 1, 2002.~~

P. Nothing herein shall dilute the powers of ~~the Nursing Supply and Demand Commission as established by the legislature in R.S. 37:1007 or~~ the Medical Education Commission as established by the legislature in R.S. 17:1519.8. Nothing herein shall allow the Louisiana Health Works Commission the authority to negate recommendations by ~~the Nursing Supply and Demand Commission, the Medical Education Commission or the Allied Health Workforce Council~~ unless approved jointly by the Senate and House health and welfare committees.

* * *

AMENDMENT NO. 13

On page 2, line 22, change "Section 1." to "Section 3."

AMENDMENT NO. 14

On page 3, line 12, change "Section 2." to "Section 4."

AMENDMENT NO. 15

On page 3, after line 29, insert the following:

"Section 5. R.S. 37:1005(B) is hereby amended and reenacted to read as follows:

§1005. Articulated curricula; duties of the nursing boards; cooperation with educational agencies; ~~cooperation with the Nursing Supply and Demand Commission;~~ report

* * *

B. The Louisiana State Board of Nursing and the Louisiana Board of Practical Nurse Examiners, hereafter referred to as the nursing boards, shall meet together and with the various state education agencies, particularly including the Board of Regents, the college and university management boards, ~~the Nursing Supply and Demand Commission,~~ and the State Board of Elementary and Secondary Education, and with the public and private hospitals to develop and implement nurse training curricula that articulates from one level of nursing to the next.

* * *

Section 6. R.S. 46:2674(A)(2) is hereby amended and reenacted to read as follows:

§2674. Duties of the department; waivers

A. The department shall submit to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare the following reports on the pilot program:

Page 10 HOUSE

27th Day's Proceedings - May 15, 2006

* * *

(2)(a) A final written report on the pilot project shall be submitted no later than January 15, 2005, containing project accomplishments, project problems, a consumer satisfaction survey citing quality of life of residents in the pilot project, a five-year projection of the economic and social impact of the inclusion of the services provided in the pilot project in the continuum of the assisted living service and the effect of such inclusion on state and federal funds and recommendations. The project consultant, the Department of Social Services, and the Office of Elderly Affairs, ~~and the Louisiana Advisory Committee on Assisted Living~~ shall assist in the preparation of the final report.

(b) If a state agency, or the consultant, ~~or the Louisiana Advisory Committee on Assisted Living~~ does not agree with any part of the report, that agency, or consultant, ~~or advisory committee~~ may submit a minority report on that issue.

* * *

AMENDMENT NO. 16

On page 4, line 1, change "Section 3." to "Section 7."

AMENDMENT NO. 17

On page 4, line 2, after "551.85," and before "R.S. 25:1222(C)" insert "R.S. 23:103 and 1871(C)(13) and (G)(2),"

AMENDMENT NO. 18

On page 4, line 6, after "R.S. 36:109" delete "(B)," and insert "(G)(2)."

AMENDMENT NO. 19

On page 4, line 6, after "(R)," and before "359(H)," delete "and (T)," and insert "(T), and (Y), 239(C), 259(E)(22) and (HH), 309(H)."

AMENDMENT NO. 20

On page 4, at the end of line 6, after "744(K)," delete "and"

AMENDMENT NO. 21

On page 4, line 7, after "802.13," insert the following:

"802.20, and 919.5, Subpart C of Part III of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1007, R.S. 38:291(J) and 421(I), Chapter 15 of Title 41 of the Louisiana Revised Statutes of 1950, comprised of R.S. 41:1751 through 1753, Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:844.21 through 844.25, R.S. 46:2675, Chapter 7 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2341 through 2347,"

AMENDMENT NO. 22

On page 4, line 8, after "R.S. 49:229.1," delete the remainder of the line and on line 9, delete "Revised Statutes of 1950, comprised of R.S. 51:971 through 978,"

AMENDMENT NO. 23

On page 4, line 12, change "Section 4." to "Section 8."

AMENDMENT NO. 24

On page 4, line 14, change "Section 5." to "Section 9."

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 808—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 14:102.21, relative to animal control agency officers; to provide for appointment by local governing authorities; to provide for qualifications; to provide for enforcement powers; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Judiciary.

The substitute was read by title as follows:

HOUSE BILL NO. 1386 (Substitute for House Bill No. 808 by Representative Hopkins)—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact Part VII of Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2501, relative to animal control agency officers; to authorize the appointment of certain animal control officers by parish governing authorities in certain parishes; to provide for qualifications; to provide for enforcement powers; to provide for P.O.S.T. certification; to provide for limitations; and to provide for related matters.

Read by title.

On motion of Rep. Toomy, the substitute was adopted and became House Bill No. 1386 by Rep. Hopkins, on behalf of the Committee on Judiciary, as a substitute for House Bill No. 808 by Rep. Hopkins.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 813—

BY REPRESENTATIVE KENNARD

AN ACT

To amend and reenact R.S. 33:3074(D)(5), relative to the city of Central; to provide for the termination of provisions for the Central Transition District and the levy of a sales tax by the district; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Baylor, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 814—

BY REPRESENTATIVE KENNARD

AN ACT

To enact R.S. 33:9097.3, relative to the Wedgewood Civic Association District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Baylor, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 816—
BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 11:62(5)(b), 444(A)(2), and 450(B), relative to Department of Public Safety and Corrections peace officers who are members of the Louisiana State Employees' Retirement System; to provide for calculation of benefits; to provide for employee contributions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 816 by Representative Salter

AMENDMENT NO. 1

On page 1, line 3, after "Corrections" delete "police" and insert "peace"

AMENDMENT NO. 2

On page 1, line 20, after "R.S. 11:601(B) and" delete "police" and insert "peace"

AMENDMENT NO. 3

On page 1, line 20, after "employed by" delete "public" and on page 2, line 1 delete "safety services of"

AMENDMENT NO. 4

On page 2, line 1, after "Corrections," delete the remainder of the line and insert "office of state police, other than state troopers, as provided in"

AMENDMENT NO. 5

On page 2, line 10, after "(b)" delete "Police officers" and insert "Peace officers, as defined by R.S. 40:2402(1)(a),"

AMENDMENT NO. 6

On page 2, line 10, after "employed by" delete "public safety services of"

AMENDMENT NO. 7

On page 2, line 11, after "Corrections," delete "who are post-certified and who have the power of" and at the beginning of line 12 delete "arrest" and delete the comma "," and insert "office of state police, other than state troopers,"

AMENDMENT NO. 8

On page 2, line 15, after "compensation," delete the remainder of the line and delete lines 16 through 20

AMENDMENT NO. 9

On page 3, line 5, after "Corrections, and" delete "police officers of public safety" and on line 6 delete "services" and insert "peace officers"

AMENDMENT NO. 10

On page 3, line 6, after "Corrections," delete the remainder of the line and on page 3, at the beginning of line 7, delete "11:444(A)(2)(h)," and insert "office of state police, other than state troopers, as provided in R.S. 11:444(A)(2)(b),"

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 927—

BY REPRESENTATIVES LAFONTA, GALLOT, JEFFERSON, AND MARCHAND

AN ACT

To enact R.S. 18:1266, relative to presidential electors; to approve the state of Louisiana entering into an interstate compact titled as the Agreement Among the States to Elect the President by National Popular Vote; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 935—

BY REPRESENTATIVES DANIEL AND BARROW

AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9581, relative to public contracts; to authorize East Baton Rouge Parish to enter into agreements for the maintenance and operation of public facilities related to sewerage and nonpotable water treatment systems; to provide with respect to the content of such contractual agreements; to provide for the disposition and allocation of revenues and assets; to provide for the pledge of revenues; to provide certain immunities from liability; to provide for limitation of liability; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Baylor, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the local and consent calendar.

Page 12 HOUSE

27th Day's Proceedings - May 15, 2006

HOUSE BILL NO. 1009— BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 26:321, 323, 324(A)(1), 325, 326, 327, and 348(A)(1) and to repeal R.S. 26:322, 324(A)(2) and (B), and 341(A)(5), relative to wine producers in Louisiana; to provide for the "Wine Producers Law"; to provide for definitions; to provide for a wine producer's permit fee; to provide that a wine producer who produces and sells less than a specified quantity of wine is exempt from wholesale distribution of its product for commercial purposes; to require wine producers to post a bond; to repeal provisions related to the "Louisiana Native Wine Law"; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Judiciary.

The substitute was read by title as follows:

HOUSE BILL NO. 1387 (Substitute for House Bill No. 1009 by Representative Toomy)— BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 26:2(10) and (17), 85, 142, and 359(B), (C), (D), (E), and (G), to enact R.S. 26:2(21) and (22) and 71(A)(6) and (7), to repeal Part II-A of Chapter 2 of Title 26 of the Revised Statutes of 1950 comprised of R.S. 26:321 through 327, and to repeal R.S. 26:341(A)(5) and (B), relative to wine producers under the Alcoholic Beverage Control Law; to provide for definitions; to provide for permits; to authorize a wine producer to sell or serve its product at retail directly to consumers at its winery, at specified other locations, and to directly ship to consumers in Louisiana; to authorize the selling and direct shipment of sparkling or still wine directly to a consumer in Louisiana by a manufacturer or retailer domiciled outside of the state or by a wine producer domiciled inside or outside of the state; to provide for exceptions requiring shipment to a wholesaler; to repeal all provisions of Louisiana's Native Wine law; to repeal provisions providing for an excise or license tax on native wines; to repeal provisions providing for an additional tax on manufacturers or retailers of sparkling wine or still wine domiciled outside the state who directly ship to a consumer within the state; and to provide for related matters.

Read by title.

On motion of Rep. Toomy, the substitute was adopted and became House Bill No. 1387 by Rep. Toomy, on behalf of the Committee on Judiciary, as a substitute for House Bill No. 1009 by Rep. Toomy.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1017— BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 11:403(5)(a) and (b)(i) and 441(B), to enact R.S. 11:421(I), and to repeal R.S. 11:531(A)(1)(b), relative to the Louisiana State Employees' Retirement System; to provide relative to average compensation; to provide relative to computation of service credit; to provide with respect to benefits for part-time employees; to repeal provisions for monthly reports of base pay; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 1017 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 11:403(5)(a)" delete the comma "," and delete "(b)(i), and (17)," and insert "and (b)(i)"

AMENDMENT NO. 2

On page 1, line 3, after "to repeal" delete "R.S. 11:231(A)(1) and (C)(2) and 531(A)(1)(b)," and insert "R.S. 11:531(A)(1)(b),"

AMENDMENT NO. 3

On page 1, line 5, after "compensation;" delete "to provide for the definition of member;"

AMENDMENT NO. 4

On page 1, line 13, after "R.S. 11:403(5)(a)" delete the comma "," and delete "(b)(i), and (17)," and insert "and (b)(i)"

AMENDMENT NO. 5

On page 1, line 19, after "(5)(a)" delete "(i)"

AMENDMENT NO. 6

On page 2, delete lines 13 through 19

AMENDMENT NO. 7

On page 3, delete lines 5 through 10

AMENDMENT NO. 8

On page 5, delete lines 16 and 17 and insert the following:

"Section 2. R.S. 11:531(A)(1)(b) is hereby repealed in its entirety."

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1026— BY REPRESENTATIVE ARNOLD AN ACT

To amend and reenact R.S. 11:2252(2), 2253(A)(1)(a)(ii), and 2256(A)(4) and to enact R.S. 11:2252(22) and (23), 2254(D), 2271, and 2272, relative to the Firefighters' Retirement System; to provide for compliance with the Internal Revenue Code; to provide relative to definitions, membership, service credit, and benefits; to provide with respect to tax qualification; to provide for an excess benefit plan; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 1026 by Representative Arnold

AMENDMENT NO. 1

On page 2, line 26, after "(ii)" insert "However, no person who has attained age fifty or over shall become a member of the system, unless the person becomes a member by reason of a merger or unless the retirement system received his application for membership before he attained the age of fifty."

AMENDMENT NO. 2

On page 3, at the beginning of line 29, delete "However, the" and insert "However, the annual retirement allowance shall not exceed one hundred percent of his average final compensation. The"

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1081—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 40:2267.3(D) and 2267.5, relative to the Acadiana Criminalistics Laboratory District and Commission; to provide for the membership; to provide for costs; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1083—

BY REPRESENTATIVES THOMPSON, BAYLOR, GLOVER, AND MONTGOMERY

AN ACT

To enact Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.121 through 380.126 and R.S. 36:744(Z) and 801.19, relative to the creation of the Stage of Stars Museum in the Department of State; to provide relative to the governing authority of the museum, including its composition, powers, duties, responsibilities, meetings, employees, and officers; to provide for the adoption of rules, regulations, and fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state and the Department of State with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 1083 by Representative Thompson

AMENDMENT NO. 1

On page 1, line 2, delete "amend and reenact R.S. 25:352(A) and (B)(2)(b), to"

AMENDMENT NO. 2

On page 1, line 4, after "R.S. 36:744(Z) and" delete the remainder of the line and at the beginning of line 5, delete "and 36:209(W)(2)," and insert "801.19,"

AMENDMENT NO. 3

On page 1, line 5, after "relative to the" delete the remainder of the line and delete lines 6 and 7 in their entirety and on line 8 delete "and Tourism to" and insert "the creation of the Stage of Stars Museum in"

AMENDMENT NO. 4

On page 1, line 11, after "of funds" delete the comma "," and the remainder of the line and delete lines 12 through 14 and insert the following:

"and property; to provide relative to the authority of the secretary of state and the Department of State with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters."

AMENDMENT NO. 5

On page 1, line 16, after "Section 1." delete the remainder of the line

AMENDMENT NO. 6

Delete pages 2 through 9 in their entirety and insert the following:

"CHAPTER 5-O. STAGE OF STARS MUSEUM

§380.121. Establishment and location; purpose and use

A. The Stage of Stars Museum is established as a facility in the parish of Caddo, under the overall jurisdiction of the Department of State as more specifically provided in this Chapter and in R.S. 36:801.19.

B. The Stage of Stars Museum shall be a historical, cultural, and educational institution whose primary purpose shall be to research, collect, preserve, and present, as an educational resource, documents, artifacts, objects of art, and the like that reflect the social, cultural, and economic history of Shreveport's Municipal Auditorium. The museum shall focus on the unique architectural, engineering, and cultural events that have taken place in the auditorium since 1929.

§380.122. Governing board; creation; domicile; appointment and compensation of members

A. The governing board of the Stage of Stars Museum is hereby created in the Department of State.

B. The domicile of the board shall be in the parish of Caddo.

C. The board shall be comprised of eleven members who have a knowledge of and an interest in the preservation and promotion of Shreveport's Municipal Auditorium and who shall be appointed as follows:

Page 14 HOUSE

27th Day's Proceedings - May 15, 2006

(1) Five members shall be appointed by the secretary of state to serve terms concurrent with the appointing authority.

(2) Four members shall be appointed by the five members of the board appointed by the secretary of state. The initial terms of members appointed pursuant to this Paragraph shall terminate on July 1, 2010, and all subsequent terms shall be four years.

(3) Two members shall be appointed by the mayor of Shreveport to serve terms concurrent with the mayor.

D. Each member shall serve until his successor is appointed and takes office.

E. Each appointment made by the secretary of state shall be subject to confirmation by the Senate.

F. Members of the board shall serve without compensation.

§380.123. Duties and powers of the board

A. A majority of the board shall constitute a quorum for the transaction of official business. All official actions of the board shall require the affirmative vote of a majority of the members present and voting.

B. The board shall:

(1) Meet at least once each quarter at the call of the board chairman.

(2)(a) Create an executive committee consisting of the chairman and vice chairman of the board and such other board members as the board may determine.

(b) A majority of the members of the committee shall constitute a quorum for the transaction of business. However, when the board has delegated to the committee full power to act with respect to a matter, affirmative action by a majority of the entire committee membership shall be required.

(c) The committee shall meet at the call of the board chairman.

(d) The committee shall consider such matters as are referred to it by the board. It shall execute such orders and resolutions as shall be assigned to it at any meeting of the board, and it shall also take such action as is necessary when an emergency requiring immediate action arises during the interim between board meetings. All acts of the committee shall be submitted to the board for ratification or rejection at its next meeting except in matters in which the board has delegated to the committee full power to act.

(3) Adopt bylaws and establish policies and procedures for the museum's governance, including but not limited to provisions for the following:

(a) The election and responsibilities of the officers of the board, including a chairman and vice chairman, who shall serve terms of two years.

(b) The selection, term, and responsibilities of advisors to the board. The board may appoint not more than five advisors who shall serve without compensation.

(c) The appointment, duties, and functions of standing and special committees of the board, including the appointment of nonboard members to such committees and their functions.

(4) Establish, in accordance with the Administrative Procedure Act, policies, rules, and regulations for the operation of the museum,

including setting and charging admission and tour fees and user or rental fees to any or all museum buildings and exhibits. Such user or rental fees shall reflect the actual costs of maintenance of the space rented and the market rates for comparable space in the locality of the space rented.

(5) Advise the secretary of state on all matters relating to the operations of the Stage of Stars Museum.

(6) Establish and use an identifying seal pertaining to museum business.

(7) Perform such other functions as are otherwise provided by this Chapter and R.S. 36:801.19.

C. The board may:

(1) Individually, or in cooperation with any nonprofit corporation established to support the Stage of Stars Museum, seek funds from any source, public or private, to support programs of the museum and expend such funds for such purpose.

(2) Contract with consulting experts in the fields of museum administration and conservation of artifacts, video recordings, motion picture film, pictures and photographs, books and papers, and decorative arts, and with appraisers, buying agents, designers, engineers, attorneys, accountants, construction, and financial experts, and other such persons as may be necessary to carry out the purposes of the museum.

(3) Authorize reports and recommendations which include the issuance, publication, or distribution of general information documents or pamphlets which are published on a regular basis and are generally known as newsletters.

§380.124. Operating funds; appropriations by the legislature

A.(1) The Department of State shall include in its annual budget request, required by R.S. 39:32, a request for funds necessary for support of the Stage of Stars Museum. The governor shall include in the executive budget submitted to the legislature sufficient funding for the support of operations of the museum.

(2) The board, with the approval of the secretary of state, shall employ, appoint, remove, and fix the term, compensation, and responsibilities of a museum chief administrative officer and a museum director. The museum director may also serve as the museum chief administrative officer.

B. Funds appropriated by the legislature to the Department of State for operation of the Stage of Stars Museum shall be used solely for that purpose. No administrative costs of any kind shall be charged by the Department of State for any services associated with placement of the museum within the jurisdiction of the department.

§380.125. Donations and loans; disposition of property

A.(1) The Department of State and the board, jointly or separately, may solicit and accept funds, governmental grants, donations, and contributions of lands, buildings, monies, artifacts, relics, video recordings, motion picture films, books and papers, pictures and photographs, documents, works of art, or other property on behalf of and as additions to the Stage of Stars Museum either in the form of loans or in the form of donations inter vivos or mortis causa, and the Department of State may acquire them by purchase, lease, or otherwise, subject to the terms, conditions, or limitations contained in the instrument by which such property is acquired. However, the board may enter into any and all contracts with any person, lender, or donor that it may deem fit, proper, and necessary to accept and receive such lands, buildings, monies, artifacts, relics,

video recordings, motion picture films, books and papers, pictures and photographs, documents, works of art, or other property on behalf of and as additions to the Stage of Stars Museum. The museum may serve as the beneficiary of any public trust heretofore or hereafter created for such purpose pursuant to the provisions of R.S. 9:2341 et seq.

(2) The building known as Shreveport's Municipal Auditorium, owned by the city of Shreveport, shall be managed and administered by the Stage of Stars Museum. The museum shall also be responsible for scheduling all programs to be held at such auditorium. However, the city of Shreveport shall maintain responsibility for all major renovations and repairs to the structure and building, including but not limited to roofing, plumbing, and heating, air conditioning, and ventilation systems.

B. The board is granted the authority of deaccession with respect to any collection of the Stage of Stars Museum and, for such purpose, is exempted from laws relative to the sale or disposal of surplus property. The board shall establish policies and procedures necessary to carry out this authority in an orderly manner.

C.(1) Any property which has been deposited with the Stage of Stars Museum, by loan or otherwise, and which has been held by the museum for more than ten years, and to which no person has made claim shall be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 of Title XII of Book III of the Louisiana Civil Code, shall become the property of the museum, provided that Paragraph (2) of this Subsection has been complied with.

(2)(a) At least once each week for two consecutive weeks, the board shall cause to be published in at least one newspaper of general circulation in the parish of Caddo a notice and listing of the property.

(b) The notice shall contain:

(i) The name and last known address, if any, of the last known owner or depositor of the property.

(ii) A description of the property.

(iii) A statement that if proof of claim is not presented by the claimant to the board and if the claimant's right to receive such property is not established to the satisfaction of the board within sixty-five days from the date of the second published notice, the property will be deemed to be abandoned and shall become the property of the Stage of Stars Museum.

(3) If no valid claim has been made to the property within sixty-five days from the date of the second published notice, title to the property shall vest in the Stage of Stars Museum free from all claims.

§380.126. Use of collections

Any collection of the Stage of Stars Museum may, subject to approval of the board, be lent in part. The board shall ensure proper safeguards for its maintenance and return and shall ensure that proper records are kept. The collections shall be available for use in educational projects, subject to the approval of the board.

Section 2. R.S. 36:744(Z) and 801.19 are hereby enacted to read as follows:

§744. Transfer of boards, commissions, and agencies to the Department of State

* * *

Z. The Stage of Stars Museum (R.S. 25:380.121 et seq.) and its governing board are placed within the Department of State as provided in R.S. 36:801.19.

* * *

§801.19. Governing board of the Stage of Stars Museum

A.(1) The Stage of Stars Museum is hereby placed within the Department of State, subject to the provisions of this Section and Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950.

(2) The governing board of the Stage of Stars Museum is hereby placed within the Department of State and shall exercise all powers, duties, functions, and responsibilities provided or authorized for it by law which are in the nature of policymaking, rulemaking, regulation, enforcement, or adjudication. The board shall exercise all advisory powers, duties, and functions provided for it by law. The board shall administer and implement all programs provided or authorized by law for it or for the Stage of Stars Museum. The board shall exercise the powers, duties, functions, and responsibilities and shall administer and implement the programs authorized by this Section independently of the secretary, except as otherwise provided in this Section. The board shall be responsible for the performance and administration of its day-to-day operations, except that the secretary of state shall be responsible for those matters which are in the nature of capital outlay, accounting, payroll, budget control, procurement, data processing, and personnel management and shall have the authority to transfer or implement any or all of said functions through the secretary and the department. Except as provided in R.S. 25:380.124(A)(2), the secretary of state shall employ, appoint, fix the compensation of, remove, assign, and promote such personnel as is necessary for the efficient administration of the museum in accordance with civil service laws, rules, and regulations.

B. Nothing in this Section shall authorize monies, property, or personnel budgeted or assigned to the board or to the museum to be transferred to or to be used by the department without prior approval of the board.

C. The board may solicit and accept gifts and donations for the purposes of the Stage of Stars Museum. Any funds so accepted may be expended by the board or by the Department of State as otherwise provided by law.

D.(1) The provisions of R.S. 36:810 and 811 shall be applicable to the museum and its governing board placed within the Department of State by this Section.

(2) No records, books, or papers stored in the museum vault or on museum premises shall be removed or transferred from the museum without the approval of the governing board.

Section 3.A. No action shall be taken under the provisions of this Act until all debts or other obligations which are secured by or otherwise encumber any property to be transferred to the Department of State have been paid or otherwise removed from such property.

B. If the conditions provided in Subsection A of this Section are not met within four years after the effective date of this Act, this Act shall be null and void and of no effect.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval"

On motion of Rep. Baylor, the amendments were adopted.

On motion of Rep. Baylor, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1191—

BY REPRESENTATIVES THOMPSON, SALTER, DORSEY, TOOMY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND, AND RITCHIE AND SENATORS BARHAM, HINES, BAJOE, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 29:723 (4), (5), and (6), 724(C)(2), 725(E) through (H), 726 (E)(13) through (20), 727(B) and (E) through (H), 728(A), 729(C), 730(A), and 730.1(A) and R.S. 49:191(3), to enact R.S. 29:722(C), 723(7) and (8), 724(D)(10) and (11) and (H), 725(I), 725.1, 726(E)(21) through (25), 727(I) through (L), 727.1, and 729(E)(14) and (F), and to repeal R.S. 29:723(3.1) and 726(F) and Section 10 of Act No. 35 of the 2006 First Extraordinary Session of the Legislature of Louisiana, relative to governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to provide for definitions; to provide for the powers, duties, and functions of the Governor's Office of Homeland Security and Emergency Preparedness; to provide for a director of such office; to provide for a deputy director, assistant deputy directors, directors, legal counsel, regional coordinators and assistant coordinators, and parish directors, some being full time, and their duties, functions, and responsibilities; to authorize the establishment of homeland security and emergency preparedness regions; to provide for appointment of statewide regional advisory committees and their duties; to provide for duties of the office and to delete certain duties; to provide for elements of the emergency operations plan and to delete certain components of the plan; to provide for powers of the parish president; to require the establishment of a unified joint incident command structure within each parish; to provide for the orderly succession of parish government officials; to provide for requirements for the parish emergency operations plans; to provide for sunset provisions for the office; to repeal provisions for the office; to repeal provisions terminating Act No. 35 of the First Extraordinary Session of the Louisiana Legislature in 2006; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Judiciary.

The substitute was read by title as follows:

HOUSE BILL NO. 1388 (Substitute for House Bill No. 1191 by Representative Thompson)—

BY REPRESENTATIVES THOMPSON, SALTER, DORSEY, TOOMY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND, AND RITCHIE AND SENATORS BARHAM, HINES, BAJOE, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 29:725(E) through (H) and R.S. 49:191(3), to enact R.S. 29:722(C), 725.1, and 726(E)(21) through (24), and to repeal Section 10 of Act No. 35 of the 2006 First Extraordinary Session of the Legislature of Louisiana, relative to the purpose of the Louisiana Homeland Security and Emergency Assistance and Disaster Act and policy of the state; provide for application of the principles of the National Incident Management System; to provide for the powers, duties, and functions of the Governor's Office of Homeland Security and Emergency Preparedness, to provide for appointment of a deputy director, assistant deputy directors, legal counsel, regional coordinators and assistant coordinators, and their duties, functions, and responsibilities and employment status of

all agency employees, to authorize the establishment of homeland security and emergency preparedness regions; to provide for appointment of statewide regional advisory committees and their duties, to provide for additional duties of the office, to provide for sunset provisions for the office; to repeal provisions for the office; to repeal provisions terminating Act No. 35 of the First Extraordinary Session of the Louisiana Legislature in 2006; and to provide for related matters.

Read by title.

On motion of Rep. Toomy, the substitute was adopted and became House Bill No. 1388 by Rep. Thompson, on behalf of the Committee on Judiciary, as a substitute for House Bill No. 1191 by Rep. Thompson.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1225—

BY REPRESENTATIVE DOVE

AN ACT

To enact Subpart B-36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.721, relative to certain economic development authorities; to provide relative to the membership of the governing board of any such authority; to provide relative to the qualifications of governing board members; to provide relative to the adoption of an annual budget by the authority; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Baylor, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1267—

BY REPRESENTATIVE GARY SMITH

AN ACT

To enact R.S. 3:3370(A)(4), relative to contracts for the treatment of termites; to provide relative to initial treatments for termites; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original House Bill No. 1267 by Representative Gary Smith

AMENDMENT NO. 1

On page 1, line 12, after "treatment" delete the period "." and insert "unless there is evidence of termite activity."

On motion of Rep. Thompson, the amendments were adopted.

On motion of Rep. Thompson, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1274—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 1:55(E)(1)(b), relative to holidays for the clerk of court's office of a district court, parish court, and city court; to authorize a clerk of court to close his office when an emergency has been declared by either the governor or the local governing authority; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1275—

BY REPRESENTATIVE TOOMY

AN ACT

To enact R.S. 15:85(3)(d), relative to bond forfeitures; to require a defendant to reimburse the clerk of court for postage and expenses associated with mailing out required notices; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 1275 by Representative Toomy

AMENDMENT NO. 1

On page 1, line 14, after "Paragraph" insert a period "." and delete the remainder of the line in its entirety

AMENDMENT NO. 2

On page 1, delete line 15 in its entirety

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1276—

BY REPRESENTATIVE TOOMY

AN ACT

To enact R.S. 13:995.1(E), relative to the service charge on filings in civil cases and the security charge imposed in criminal cases as an additional fee in the Twenty-Fourth Judicial District Court; to provide for termination of the service charges upon completion of certain conditions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1281—

BY REPRESENTATIVE DORSEY

AN ACT

To enact R.S. 33:9038.1, relative to tax increment financing; to specify those taxes which may be levied and the increments of which may be pledged and dedicated in tax increment financing; to provide relative to the effect of the invalidity of any tax or tax increment on other taxes or tax increments; to provide for legislative intent; to provide for redesignation of certain statutes by the Louisiana State Law Institute; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

On motion of Rep. Baylor, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1285—

BY REPRESENTATIVES ODINET, BARROW, BAUDOIN, BAYLOR, DOVE, GRAY, JEFFERSON, KATZ, AND MARCHAND

AN ACT

To enact R.S. 33:4882, relative to building and zoning regulations in parishes and municipalities affected by Hurricane Katrina or Hurricane Rita; to require that the governing authority of any municipality or parish affected by Hurricane Katrina or Hurricane Rita and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose nonconforming use status by reason of vacancy or cessation of normal operations as a result of damage caused by Hurricane Katrina or Hurricane Rita during a specified time period; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 1285 by Representative Odinet

AMENDMENT NO. 1

On page 1, line 7, after "operations" and before "during" insert "as a result of damage caused by Hurricane Katrina or Hurricane Rita"

AMENDMENT NO. 2

On page 1, line 17, after "because" delete the remainder of the line and delete lines 18 through 20 and insert a comma "," and "during all or part of the period of August 29, 2005, through August 28, 2007, as a result of damage caused by Hurricane Katrina or Hurricane Rita, it is temporarily vacant or operations normally carried on in such building or on such land have been temporarily discontinued."

On motion of Rep. Baylor, the amendments were adopted.

On motion of Rep. Baylor, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

Page 18 HOUSE

27th Day's Proceedings - May 15, 2006

HOUSE BILL NO. 1288— BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 33:4175(A), (C)(introductory paragraph), (2), and (3)(b), (E)(2), and (H), relative to public power authorities; to provide relative to the powers granted to certain public power authorities; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Municipal, Parochial and Cultural Affairs.

The substitute was read by title as follows:

HOUSE BILL NO. 1389 (Substitute for House Bill No. 1288 by Representative Gray)— BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 33:4175, relative to public power authorities; to provide relative to the purpose and governing board of certain public power authorities; to provide relative to the powers granted to such authorities; and to provide for related matters.

Read by title.

On motion of Rep. Baylor, the substitute was adopted and became House Bill No. 1389 by Rep. Gray, on behalf of the Committee on Municipal, Parochial and Cultural Affairs, as a substitute for House Bill No. 1288 by Rep. Gray.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1291— BY REPRESENTATIVES ERDEY, R. CARTER, FAUCHEUX, AND WHITE

AN ACT

To enact R.S. 49:155.6, relative to state symbols; to provide the state cajun poem to be "I Am Louisiana" by Paul Ott; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

On motion of Rep. Toomy, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1340— BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 18:401.4(A) and (C), relative to early voting in other parishes; to extend the application of provisions of law allowing registered voters of an area affected by an emergency or disaster to vote during early voting at offices of the registrars in certain other parishes for any election in an area affected by a gubernatorially declared state of emergency; to remove language making provision applicable only for those elections for which the secretary of state has submitted and had approved by the legislature an emergency plan for the conduct of the election; to extend the effectiveness of the provisions; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on House and Governmental Affairs.

The substitute was read by title as follows:

HOUSE BILL NO. 1390 (Substitute for House Bill No. 1340 by Representative Gray)— BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 18:401.3(B), relative to the conduct of early voting in certain parishes for certain elections; to authorize the secretary of state to include the conduct of early voting in certain parishes in an emergency plan developed by the secretary of state for the conduct of an election in an area affected by a gubernatorially declared state of emergency; to provide relative to the conduct of such early voting; and to provide for related matters.

Read by title.

On motion of Rep. Lancaster, the substitute was adopted and became House Bill No. 1390 by Rep. Gray, on behalf of the Committee on House and Governmental Affairs, as a substitute for House Bill No. 1340 by Rep. Gray.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 1341— BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact R.S. 40:2268.2, relative to the Southeast Regional Criminalistics Laboratory Commission; to provide relative to the domicile of the commission; to authorize the commission to contract with an existing public or private laboratory; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 1341 by Representative Fauchaux

AMENDMENT NO. 1

On page 1, at the end of line 14, delete the period "." and add "for the provision of criminalistic services and is authorized to impose, receive, or collect any and all fees or charges authorized by law for the purpose of establishing, funding, or operating a commission criminalistics laboratory."

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1354— BY REPRESENTATIVES GRAY AND K. CARTER

AN ACT

To enact Chapter 32 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1301 through 1307, and R.S. 36:4(B)(1)(g), relative to the Hurricane Katrina Memorial Commission; to create and provide for the membership, powers, and duties of the commission; to provide for donations and grants; to provide for a commission report and termination of the commission; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs committees.

On motion of Rep. Baylor, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1381 (Substitute for House Bill No. 421 by Representative Burrell)—

BY REPRESENTATIVES BURRELL, BRUCE, LAFLEUR, MARTINY, JANE SMITH, TRICHE, AND WHITE

AN ACT

To enact R.S. 14:91.14, relative to offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; to create the crime of prohibited sales of computer or video games to minors; to provide for definitions; to provide for penalties; and to provide for related matters.

Read by title.

On motion of Rep. Martiny, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1382 (Substitute for House Bill No. 582 by Representative Crowe)—

BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 40:1299.35.6(C)(1)(a) and to enact R.S. 40:1299.35.6(A)(5)(d) and (B)(1)(g), relative to the performance of abortions; to provide for informed consent requirements; to provide for publication of materials by the Department of Health and Hospitals; and to provide for related matters.

Read by title.

On motion of Rep. Durand, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1383 (Substitute for House Bill No. 875 by Representative Townsend)—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 40:4(A)(1)(c), relative to retail food establishments; to provide for rules and regulations; and to provide for related matters.

Read by title.

On motion of Rep. Durand, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1384 (Substitute for House Bill No. 928 by Representative K. Carter)—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact Part XXV-F of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1210.71 through 1210.88, and to repeal R.S. 22:1476, relative to insurance adjusters; to provide for the qualification and license requirements of public adjusters; to provide for definitions; to provide for the requirement of a license; to provide for the application for license; to provide for resident and nonresident

licenses; to provide for examinations and exemptions; to provide for reciprocity; to provide for denial, nonrenewal, or revocation of a license; to provide for evidence of financial responsibility; to provide for continuing education; to provide for limitations on contracts between public adjusters and insureds; to provide for retention of records; to provide for standards of conduct; to provide for penalties; to provide for powers of the commissioner of insurance; to provide for regulations; and to provide for related matters.

Read by title.

On motion of Rep. Karen Carter, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**Senate Instruments on Second Reading
Returned from the Legislative Bureau**

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

SENATE BILL NO. 2—

BY SENATORS N. GAUTREAUX, CHAISSON, AMEDEE, BROOME, CAIN, DUPLESSIS, ELLINGTON, HOLLIS, JACKSON, MICHOT, MOUNT, NEVERS, ROMERO, SCHEDLER, SMITH, ADLEY, BAJOE, BARHAM, BOASSO, CHEEK, CRAVINS, DARDENNE, DUPRE, B. GAUTREAUX, JONES, LENTINI, MCPHERSON, MURRAY, QUINN, THEUNISSEN AND ULLO

AN ACT

To amend and reenact R.S. 14:43.1(C), 43.2(C), 43.3(C), 78.1(D), 81(C), and 81.1(E), and to enact R.S. 14:81.2(E), relative to certain offenses involving juveniles; to increase criminal penalties for certain offenses involving persons under the age of thirteen; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 2 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, delete "78.1(D),"

AMENDMENT NO. 2

On page 1, at the end of line 4, insert "to provide relative to the electronic monitoring of offenders;"

AMENDMENT NO. 3

On page 1, line 7, delete "78.1(D)"

AMENDMENT NO. 4

On page 1, delete lines 14 through 17 in their entirety

AMENDMENT NO. 5

Page 20 HOUSE

27th Day's Proceedings - May 15, 2006

On page 2, delete lines 1 through 6 in their entirety and insert the following:

"(2) Whoever commits the crime of sexual battery on a victim under the age of thirteen years when the offender is over the age of seventeen years, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than life imprisonment. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(3) Upon completion of the term of imprisonment imposed in accordance with Paragraph (2) of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.

(4) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.

(5) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

(6) The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act, that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all of such costs may be required to pay such portion."

AMENDMENT NO. 6

On page 2, delete lines 12 through 21 in their entirety and insert the following:

"(2) Whoever commits the crime of second degree sexual battery on a victim under the age of thirteen years when the offender is over the age of seventeen years, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than life imprisonment. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(3) Upon completion of the term of imprisonment imposed in accordance with Paragraph (2) of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.

(4) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.

(5) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

(6) The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act, that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all of such costs may be required to pay such portion."

AMENDMENT NO. 7

On page 2, delete lines 27 through 29 in their entirety

AMENDMENT NO. 8

On page 3, delete lines 1 through 7 in their entirety and insert the following:

"(2) Whoever commits the crime of oral sexual battery on a victim under the age of thirteen years when the offender is over the age of seventeen years, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than life imprisonment. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(3) Upon completion of the term of imprisonment imposed in accordance with Paragraph (2) of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.

(4) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.

(5) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

(6) The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act, that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all of such costs may be required to pay such portion."

AMENDMENT NO. 9

On page 3, delete lines 9 through 24 in their entirety

AMENDMENT NO. 10

On page 4, line 5, after "than" delete the remainder of the line and delete line 6 in its entirety and insert "two nor more than twenty-five years. At least two years of the"

AMENDMENT NO. 11

On page 4, line 8, after "sentence." delete the remainder of the line and delete lines 9 through 12 in their entirety

AMENDMENT NO. 12

On page 4, delete lines 15 through 29 in their entirety

AMENDMENT NO. 13

On page 5, delete lines 1 and 2 in their entirety and insert the following:

"E. (1) Whoever commits the crime of pornography involving juveniles shall be fined not more than ten thousand dollars and be imprisoned at hard labor for not less than two years or more than ten years, without benefit of parole, probation, or suspension of sentence.

(2) Whoever commits the crime of pornography involving juveniles by violating the provisions of Paragraph (A)(2) of this Section on a victim under the age of thirteen years when the offender is over the age of seventeen years, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than life imprisonment. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(3) Upon completion of the term of imprisonment imposed in accordance with Paragraph (2) of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.

(4) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.

(5) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

(6) The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act, that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all of such costs may be required to pay such portion.

* * *

AMENDMENT NO. 14

On page 5, delete lines 6 through 14 in their entirety and insert the following:

"E.(1) Whoever commits the crime of molestation of a juvenile when the victim is under the age of thirteen years shall be imprisoned at hard labor for not less than twenty-five years nor more than life imprisonment. At least twenty-five years of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.

(2) Upon completion of the term of imprisonment imposed in accordance with Paragraph (1) of this Subsection, the offender shall be monitored by the Department of Public Safety and Corrections through the use of electronic monitoring equipment for the remainder of his natural life.

(3) Unless it is determined by the Department of Public Safety and Corrections, pursuant to rules adopted in accordance with the provisions of this Subsection, that a sexual offender is unable to pay all or any portion of such costs, each sexual offender to be electronically monitored shall pay the cost of such monitoring.

(4) The costs attributable to the electronic monitoring of an offender who has been determined unable to pay shall be borne by the department if, and only to the degree that sufficient funds are made available for such purpose whether by appropriation of state funds or from any other source.

(5) The Department of Public Safety and Corrections shall develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act, that provide for the payment of such costs. Such rules shall contain specific guidelines which shall be used to determine the ability of the offender to pay the required costs and shall establish the reasonable costs to be charged. Such rules may provide for a sliding scale of payment so that an offender who is able to pay a portion, but not all of such costs may be required to pay such portion."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 26—

BY SENATOR DUPRE

AN ACT

To enact R.S. 49:213.1(E) and 213.4(A)(7), and to repeal that portion of Section 3 of Act No. 1 of the 2006 First Extraordinary Session of the Legislature enacting R.S. 49:213.1(E) and 213.4(A)(7), relative to the Coastal Protection and Restoration Authority; to provide relative to its powers, duties, and functions; to authorize the authority to serve as the single entity responsible to act as local sponsor for certain projects relative to hurricane protection and flood control; to authorize the authority to enter into certain contracts relative to hurricane protection and flood control projects; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Reengrossed Senate Bill No. 26 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "repeal" delete the remainder of the line and delete line 3 in its entirety and insert in lieu thereof: "R.S. 49:213.1(E) and 213.4(A)(7) as enacted by Act No. 1 of the 2006 First Extraordinary Session of the Legislature,"

AMENDMENT NO. 2

On page 1, line 4, delete "49:213.1(E) and 213.4(A)(7),"

AMENDMENT NO. 3

Page 22 HOUSE

27th Day's Proceedings - May 15, 2006

On page 2, line 18, after "Section 2." delete the remainder of the line and delete lines 19 and 20 in their entirety and insert in lieu thereof:

"R.S. 49:213.1(E) and 213.4(A)(7) as enacted by Act No. 1 of the 2006 First Extraordinary Session of the Legislature are hereby repealed in their entirety."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the amendments were adopted.

On motion of Rep. Pierre, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 85— BY SENATOR JONES

AN ACT

To enact R.S. 15:833.1, relative to persons in the custody of the Department of Public Safety and Corrections; to authorize the implementation of community resource centers for certain inmates to participate in disaster and emergency relief; to require the secretary to establish rules, regulations and procedures for such centers; to provide for eligibility; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 146— BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 56:116.4(A)(3), to provide relative to turkey hunting; to provide for the method of taking turkeys; to provide relative to certain exceptions; to provide relative to certain distance requirements; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Engrossed Senate Bill No. 146 by Senator McPherson

AMENDMENT NO. 1

On page 2, line 16, after "than" delete the remainder of the line and at the beginning of line 17, delete "twenty" and insert in lieu thereof "three hundred"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the amendments were adopted.

On motion of Rep. Pierre, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 162— BY SENATOR ELLINGTON

AN ACT

To repeal R.S. 56:320(A)(5), relative to wire nets; to repeal the provision that a wire net shall only be used for the taking of legal size catfish; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 180— BY SENATOR JONES

AN ACT

To amend and reenact Code of Criminal Procedure Art. 900(A)(5) and to enact R.S. 15:574.9(B)(3), relative to probation and parole; to provide for revocation of probation and parole; to limit incarceration period for technical violations; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 180 by Senator Jones

AMENDMENT NO. 1

On page 2, line 23, following "B." and before "The" insert "(1)"

AMENDMENT NO. 2

On page 2, line 24, change " * * * " to "(a) The parolee has failed, without a satisfactory excuse, to comply with a condition of his parole; and (b) The violation of condition involves the commission of another felony, or misconduct including a substantial risk that the parolee will commit another felony, or misconduct indicating that the parolee is unwilling to comply with proper conditions of parole."

AMENDMENT NO. 3

On page 2, line 25, at the beginning of the line and before "(a)" change "(3)" to "(2)"

AMENDMENT NO. 4

On page 2, line 25, following "of" and before "of this" change "Paragraphs (1) and (2)" to "Paragraph (1)"

AMENDMENT NO. 5

On page 3, line 3, following "this" and before "shall" change "Subsection" to "Paragraph"

AMENDMENT NO. 6

On page 3, line 5, following "this" and before "1" change "Subparagraph" to "Paragraph"

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 228—

BY SENATOR JONES

AN ACT

To amend and reenact Code of Criminal Procedure Art. 893, relative to suspension and deferral of sentence and probation in felony cases; to provide for suspension of sentence for certain third convictions; to require participation in a drug program; to provide for the period of probation upon completion of participation in a drug program; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 253—

BY SENATORS N. GAUTREAUX, CHAISSON, AMEDEE, KOSTELKA, NEVERS AND SMITH

AN ACT

To amend and reenact R.S. 14:44.2(A), relative to aggravated kidnapping of a child; increases the child's age requirement; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 289—

BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 15:574.20(A), relative to parole; to provide with respect to medical parole; to require medical parole consideration of inmates determined to be permanently incapacitated or terminally ill; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 477—

BY SENATOR CAIN

AN ACT

To amend and reenact Code of Criminal Procedure Article 578 and to enact Code of Criminal Procedure Article 572(C), relative to bail; to provide for the expiration of bail bonds when the time for prosecuting certain offenses has lapsed; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 547—

BY SENATOR MURRAY

AN ACT

To enact R.S. 15:572.9, relative to pardons; to provide that a person convicted of violating a state law or municipal ordinance the purpose of which was to maintain or enforce racial separation or discrimination shall be granted a pardon of the conviction upon application; to provide for a hearing if the state objects to the granting of the pardon; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 646—

BY SENATOR MURRAY

AN ACT

To enact R.S. 18:1505.2(S), relative to campaign finance; to prohibit certain campaign contributions made to candidates seeking the office of the commissioner of insurance; to prohibit service providers who contract or subcontract with the Louisiana Citizens Property Insurance Corporation from making campaign contributions to such candidates; to define the term service provider; to provide for applicability to certain campaign contributions; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

Rep. Tank Powell moved the bill be ordered passed to its third reading.

As a substitute motion, Rep. Lancaster moved that the bill otherwise be committed to the Committee on House and Governmental Affairs.

Page 24 HOUSE

27th Day's Proceedings - May 15, 2006

Rep. Tank Powell objected.

By a vote of 43 yeas and 48 nays, the House refused to commit the bill to the Committee on House and Governmental Affairs.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 692—

BY SENATOR ADLEY

AN ACT

To authorize the state of Louisiana, acting through the Military Department, and the secretary of the Department of Wildlife and Fisheries to sell, convey, transfer, assign, and deliver to each other certain state property located in Webster Parish.

Read by title.

Reported favorably by the Committee on Natural Resources.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Pierre, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

Senate Bills on Second Reading Reported by Committee

The following Senate Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

SENATE BILL NO. 7—

BY SENATOR NEVERS

AN ACT

To amend and reenact Part XIV-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:557.21 and 557.22, relative to agricultural and seafood products; to require state agencies to assist the Department of Economic Development in the development, registration, and licensing of any trademark or label for use in promoting Louisiana agricultural and seafood products; to authorize the Department of Economic Development to sell licenses for such trademarks or labels; to create the Agricultural and Seafood Products Support Fund; to provide for the use of monies in the fund; to require the promulgation of rules and regulations; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Engrossed Senate Bill No. 7 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 26, after "label" insert "developed and registered by the department"

On motion of Rep. Thompson, the amendments were adopted.

Under the rules, the bill, as amended, was recommitted to the Committee on Appropriations.

Suspension of the Rules

On motion of Rep. Scalise, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

HOUSE BILL NO. 570—

BY REPRESENTATIVES SCALISE, ALEXANDER, GALLOT, E. GUILLORY, HUNTER, AND WALKER

AN ACT

To enact Chapter 22 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:2151 through 2163, relative to qui tam actions; to create the Hurricane Relief Funds Integrity Act; to prohibit false or fraudulent claims or false or misleading statements in relation to obtaining funds, property, use of property, or other compensation from hurricane relief programs; to provide for civil actions by the attorney general or by other persons to recover hurricane relief program funds; to provide for damages, fines, penalties, and interest; to create the Hurricane Relief Programs Fraud Detection Fund; to provide for an awards program for information on violations; to provide for protection for certain persons against reprisals by certain persons; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Scalise moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Harris	Robideaux
Bruce	Heaton	Romero
Bruneau	Hebert	Scalise
Burns	Hill	Schneider
Burrell	Honey	Smiley
Carter, K.	Hopkins	Smith, G.
Carter, R.	Hunter	Smith, J.D.—50th
Cazayoux	Hutter	Smith, J.H.—8th
Chandler	Jackson	Smith, J.R.—30th
Crane	Jefferson	St. Germain
Cravins	Johns	Strain
Crowe	Katz	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend

Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White
Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	

Total - 104

NAYS

Total - 0

ABSENT

Kennard
Total - 1

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Scalise moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Katz gave notice of her intention to call House Bill No. 1328 from the calendar for future action.

Suspension of the Rules

On motion of Rep. Kleckley, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

HOUSE BILL NO. 190—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 40:1796, relative to the preemption of state law over local governmental ordinances regarding the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms or ammunition; to provide for an exception in cases of emergency or disaster; to provide for applicability in high-risk areas; to provide for definitions; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Ansardi, the bill was returned to the calendar.

HOUSE BILL NO. 254—

BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 14:91.11(B) and to enact R.S. 14:91.11(A)(4), relative to offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Crowe, the bill was returned to the calendar.

HOUSE BILL NO. 369—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 40:32(1) and 34(B)(1)(a)(viii), (h)(v), (i), and (j), relative to biological parents; to provide for definitions regarding surrogate pregnancies; to expand the definition of surrogate to include a person related by affinity; to provide for retroactivity; and to provide for related matters.

Read by title.

Rep. Durand moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Odinot
Alario	Frith	Pierre
Alexander	Geymann	Pinac
Arnold	Glover	Pitre
Badon	Gray	Powell, M.
Baldone	Guillory, E.	Powell, T.
Barrow	Hammett	Quezaire
Baudoin	Harris	Richmond
Baylor	Heaton	Ritchie
Beard	Hebert	Robideaux
Bowler	Hill	Romero
Bruce	Honey	Scalise
Bruneau	Hopkins	Schneider
Burns	Hunter	Smiley
Burrell	Hutter	Smith, G.
Carter, K.	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Chandler	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walker
Downs	McDonald	Walsworth
Durand	McVea	White
Erdey	Montgomery	Winston
Fannin	Morrell	Wooton
Farrar	Morrish	

Total - 98

NAYS

Total - 0

ABSENT

Ansardi	Gallot	Martiny
Cazayoux	Greene	
DeWitt	Guillory, M.	

Total - 7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Page 26 HOUSE

27th Day's Proceedings - May 15, 2006

Rep. Durand moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 517—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact R.S. 22:1078(B)(22), relative to fees collected by the commissioner of insurance; to provide for a fee for the acceptance of service of process when appointed as agent for a nonresident licensee or a foreign or alien entity; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gray, the bill was returned to the calendar.

HOUSE BILL NO. 520—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact R.S. 22:1078(B)(22), relative to fees collected by the commissioner of insurance; to provide for licensing fees for public adjusters; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Gray, the bill was returned to the calendar.

HOUSE BILL NO. 626—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 28:382.2(C) and R.S. 39:1533(A) and to enact R.S. 28:771(G) and Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:871 through 876, and R.S. 36:254(J) and 258(J), relative to human services; to create the South Central Louisiana Human Services Authority and provide for the powers, duties, and functions of the authority; to create a governing board and provide for membership, powers, duties, and functions; to provide for the transfer of certain powers, duties, and functions from the Department of Health and Hospitals to the authority; to provide for transfer of employees; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Baldone sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Engrossed House Bill No. 626 by Representative Baldone

AMENDMENT NO. 1

On page 10, delete lines 14 through 19 in their entirety

AMENDMENT NO. 2

On page 10, line 20, change "Section 5." to "Section 4."

On motion of Rep. Baldone, the amendments were adopted.

Rep. Baldone moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fannin	Morrish
Alario	Farrar	Odinot
Alexander	Faucheux	Pierre
Ansardi	Frith	Pinac
Arnold	Gallot	Pitre
Badon	Geymann	Powell, M.
Baldone	Gray	Powell, T.
Barrow	Greene	Quezaire
Baudoin	Guillory, E.	Ritchie
Baylor	Guillory, M.	Robideaux
Beard	Hammett	Romero
Bowler	Heaton	Scalise
Bruce	Hebert	Schneider
Bruneau	Hill	Smiley
Burns	Honey	Smith, G.
Burrell	Hutter	Smith, J.D.—50th
Carter, R.	Jackson	Smith, J.H.—8th
Cazayoux	Jefferson	Smith, J.R.—30th
Chandler	Johns	St. Germain
Crane	Katz	Strain
Cravins	Kenney	Thompson
Crowe	Kleckley	Toomy
Curtis	LaBruzzo	Townsend
Damico	LaFleur	Trahan
Daniel	LaFonta	Triche
Dartez	Lambert	Tucker
DeWitt	Lancaster	Walker
Doerge	Marchand	Walsworth
Dorsey	Martiny	White
Dove	McDonald	Winston
Downs	McVea	Wooton
Durand	Montgomery	
Erdey	Morrell	

Total - 97

NAYS

Total - 0

ABSENT

Carter, K.	Hopkins	Richmond
Glover	Hunter	Waddell
Harris	Kennard	
Total - 8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Baldone moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 702—

BY REPRESENTATIVE ODINET

AN ACT

To amend and reenact R.S. 56:433(B)(1) and (C), relative to harvest of oysters; to provide for season opening and closing dates for harvest from the public seed grounds; and to provide for related matters.

Read by title.

Rep. Odinet moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hunter	Smiley
Carter, K.	Hutter	Smith, G.
Carter, R.	Jackson	Smith, J.D.—50th
Cazayoux	Jefferson	Smith, J.H.—8th
Chandler	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Thompson
Crowe	Kenney	Toomy
Curtis	Kleckley	Townsend
Damico	LaBruzzo	Trahan
Daniel	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Walker
Dorsey	Lancaster	Walsworth
Dove	Marchand	White
Downs	Martiny	Winston
Durand	McDonald	Wooton
Erdey	McVea	
Fannin	Montgomery	

Total - 100

NAYS

Total - 0

ABSENT

Dartez	Hopkins	Waddell
Harris	Strain	

Total - 5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Odinet moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 802—
BY REPRESENTATIVE FRITH**AN ACT**

To amend and reenact R.S. 56:435.1(F) and 435.1.1(A), (C), and (D), to enact R.S. 56:435.1(H), and to repeal R.S. 56:435.2, relative to the oyster harvest in Calcasieu Lake and Sabine Lake; to provide for the use of mechanical dredges; to authorize the Wildlife and Fisheries Commission to set closing dates and harvest limits; to provide for limited transplanting of oysters and cultch in Vermilion Bay; and to provide for related matters.

Read by title.

Rep. Frith sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Frith to Engrossed House Bill No. 802 by Representative Frith

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 56:435.1(F)" to "R.S. 56:435.1(A), (F), and (G)"

AMENDMENT NO. 2

On page 1, line 9, change "R.S. 56:435.1(F)" to "R.S. 56:435.1(A), (F), and (G)"

AMENDMENT NO. 3

On page 1, line 11, delete "prohibition on use of dredges and scrapers;" and insert "methods of harvest;"

AMENDMENT NO. 4

On page 1, line 12, after "oysters;" delete the remainder of the line and delete line 13 in its entirety

AMENDMENT NO. 5

On page 1, between lines 13 and 14, insert the following:

~~"A.(1) No one shall use dredges or scrapers to take oysters from the natural oyster reefs in Sabine Lake, which the legislature finds are in danger of being destroyed because of dredging and scraping.~~

~~(2) Whoever violates the provisions of this Subsection and rules and regulations of the department shall, upon conviction thereof in any court of competent jurisdiction:~~

~~(a) For the first offense, be fined not less than five hundred dollars or imprisoned for not more than one hundred twenty days, or both.~~

~~(b) For a second offense, be fined not less than seven hundred fifty dollars and not more than three thousand dollars and be imprisoned not less than ninety nor more than one hundred eighty days.~~

~~(c) For the third and all subsequent offenses, be fined not less than one thousand dollars nor more than five thousand dollars and be imprisoned not less than one hundred eighty days nor more than two years.~~

~~(3) In addition to the above fines and jail sentences, the license under which said violation occurred may be revoked and may not be reinstated at any time during the period for which it was issued and for one year thereafter, and shall include forfeiture to the department of anything seized in connection with the violation. Oysters may be harvested in Sabine Lake using tongs, a hand dredge, a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long, or a single scraper with mechanical assist with a flat bar length of no more than thirty-six inches.~~

AMENDMENT NO. 6

On page 1, delete lines 18 through 20 in their entirety and on page 2, delete lines 1 through 7 in their entirety and insert in lieu thereof the following:

Page 28 HOUSE

27th Day's Proceedings - May 15, 2006

"G. ~~The commission shall fix the open season for oyster tonging in Sabine Lake, which shall begin on November fifteenth and shall end on April thirtieth. However, the commission may open or close the season as biological data indicate a need. Open season dates and harvest limits shall be set by the commission after consideration of recommendations by the Louisiana Oyster Task Force. In addition, recreational fishermen may harvest oysters as provided in R.S. 56:424(C).~~

H. Any violation of this Section shall be considered a class four violation subject to the penalties contained in R.S. 56:34."

AMENDMENT NO. 7

On page 3, line 6, delete "or "closed""

On motion of Rep. Frith, the amendments were adopted.

Rep. Frith moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Harris	Robideaux
Bruce	Heaton	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hunter	Smiley
Carter, K.	Hutter	Smith, G.
Carter, R.	Jackson	Smith, J.D.-50th
Cazayoux	Jefferson	Smith, J.H.-8th
Chandler	Johns	Smith, J.R.-30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Damico	LaFleur	Townsend
Daniel	LaFonta	Trahan
DeWitt	Lambert	Tucker
Doerge	Marchand	Walker
Dorsey	Martiny	Walsworth
Downs	McDonald	White
Durand	McVea	Winston
Fannin	Montgomery	Wooton
Total - 96		

NAYS

Total - 0

ABSENT

Dartez	Hebert	Lancaster
Dove	Hopkins	Triche
Erdey	LaBruzzo	Waddell
Total - 9		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Frith moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 817—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 27:326, relative to the Video Draw Poker Devices Control Law; to provide with respect to promoting and encouraging the play of video draw poker devices; to provide for a restriction on the offering of food or beverages free of charge; to provide for applicability; to limit the value of the promotion; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Jane Smith, the bill was returned to the calendar.

HOUSE BILL NO. 838—

BY REPRESENTATIVES ST. GERMAIN, PIERRE, LAMBERT, AND JACK SMITH AND SENATORS MALONE AND MCPHERSON

AN ACT

To amend and reenact R.S. 56:328(B), (C), and (D) and to enact R.S. 56:328(E), relative to invasive, noxious aquatic plants; to require the Department of Wildlife and Fisheries to maintain and promulgate a list of prohibited noxious aquatic plants; to require the department to take necessary steps to control and eradicate such plants; and to provide for related matters.

Read by title.

Rep. St. Germain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Odinot
Alario	Gallot	Pierre
Alexander	Geymann	Pinac
Ansardi	Glover	Pitre
Badon	Gray	Powell, M.
Baldone	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Harris	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hill	Romero
Bruneau	Honey	Scalise
Burns	Hunter	Schneider
Burrell	Hutter	Smiley
Carter, K.	Jackson	Smith, G.
Carter, R.	Jefferson	Smith, J.D.-50th
Cazayoux	Johns	Smith, J.H.-8th
Chandler	Katz	Smith, J.R.-30th
Crane	Kennard	St. Germain
Cravins	Kenney	Strain
Crowe	Kleckley	Thompson
Curtis	LaBruzzo	Toomy
Damico	LaFleur	Townsend
Daniel	LaFonta	Trahan
DeWitt	Lambert	Triche
Doerge	Lancaster	Tucker
Dorsey	Marchand	Walker

Dove	Martiny	Walsworth
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Montgomery	Wooton
Farrar	Morrell	
Faucheux	Morrish	
Total - 97		

NAYS

Total - 0

ABSENT

Arnold	Downs	Hopkins
Barrow	Hammett	Waddell
Dartez	Hebert	
Total - 8		

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. St. Germain moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 839—

BY REPRESENTATIVES ST. GERMAIN, LAMBERT, AND JACK SMITH
AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:306(A)(2)(a), 306.2(A)(3), 306.6(A), and 332(K) and to repeal Subpart I of Part VI of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:309 through 309.4, relative to soft shell crab sheddens license; to eliminate the soft shell crab sheddens license; and to provide for related matters.

Read by title.

Motion

On motion of Rep. St. Germain, the bill was returned to the calendar.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. St. Germain gave notice of her intention to call House Bill No. 839 from the calendar for future action.

HOUSE BILL NO. 914—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 22:658(A)(1), relative to payment and adjustment of claims; to provide for the payment of claims; to provide for the notification of insurance producers; and to provide for related matters.

Read by title.

Rep. Toomy sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Toomy to Engrossed House Bill No. 914 by Representative Toomy

AMENDMENT NO. 1

On page 1, line 15, after "payments" insert "for property damage claims"

On motion of Rep. Toomy, the amendments were adopted.

Rep. Toomy moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Harris	Robideaux
Bruce	Heaton	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hunter	Smiley
Carter, K.	Hutter	Smith, G.
Carter, R.	Jackson	Smith, J.D.—50th
Cazayoux	Jefferson	Smith, J.H.—8th
Chandler	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	LaFonta	Triche
DeWitt	Lambert	Tucker
Doerge	Lancaster	Walsworth
Dorsey	Marchand	White
Dove	Martiny	Winston
Durand	McDonald	Wooton
Erdey	McVea	
Fannin	Montgomery	
Total - 100		

NAYS

Total - 0

ABSENT

Downs	Hopkins	Walker
Hebert	Waddell	
Total - 5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Toomy moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Page 30 HOUSE

27th Day's Proceedings - May 15, 2006

HOUSE BILL NO. 916—

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact R.S. 17:1990(B)(4)(b)(i) and to enact R.S. 17:1990(B)(4)(b)(iv) and R.S. 41:901, relative to the disposition of certain unused school property; to provide relative to the Recovery School District; to authorize the school district and certain city, parish, or other local public school boards to sell, exchange, or lease land or buildings over which it has the rights and responsibility of ownership to certain entities; to provide with regard to the nature of such property transfer; to provide with regard to the applicability of certain laws; and to provide for related matters.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 916 by Representative Ansardi

AMENDMENT NO. 1

On page 3, line 20, following "student" and before "of" change "membership" to "enrollment"

AMENDMENT NO. 2

On page 3, line 21, following "first" and before "count" change "membership" to "enrollment"

AMENDMENT NO. 3

On page 4, line 6, following "this" and before "shall" change "Item" to "Section"

On motion of Rep. McDonald, the amendments were adopted.

Motion

On motion of Rep. Ansardi, the bill, as amended, was returned to the calendar.

HOUSE BILL NO. 1082—

BY REPRESENTATIVE WALSWORTH

AN ACT

To enact R.S. 17:81.9, relative to local public school boards; to require each city, parish, and other local public school board to develop and adopt certain policies with regard to hiring school employees, including certain contractors and other persons; to require applicants for employment to sign certain statements; to provide relative to the disclosure of certain information about such applicants; to prohibit certain disclosure of such information and to provide that violation of such prohibition shall be a misdemeanor offense; to provide for the use of such information by local public school boards; to provide an effective date; and to provide for related matters.

Read by title.

Rep. Walsworth sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Walsworth to Engrossed House Bill No. 1082 by Representative Walsworth

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 44:4.1(B)(8) and to"

AMENDMENT NO. 2

On page 1, line 6, after "applicants;" and before "to" insert "to exempt such disclosure from the public records law;"

AMENDMENT NO. 3

On page 1, line 8, after "offense;" and before "to" insert "to provide for penalties;"

AMENDMENT NO. 4

On page 1, line 14, after "employee" delete the remainder of the line and on line 15, delete "or other similar services on public school grounds," and insert a comma ","

AMENDMENT NO. 5

On page 3, at the end of line 13, delete the period "." and add "and shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both."

AMENDMENT NO. 6

On page 3, between lines 23 and 24, insert the following:

"Section 2. R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

"§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(8) R.S. 17:7.2, 46, 47, 81.9, 334, 391.4, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3136, 3390, 3773, 3884

* * *"

AMENDMENT NO. 7

On page 3, at the beginning of line 24, change "Section 2." to "Section 3."

On motion of Rep. Walsworth, the amendments were adopted.

Rep. Walsworth moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fannin	Morrell
Alario	Farrar	Morrish
Alexander	Faucheux	Odinot
Ansardi	Frith	Pierre
Arnold	Gallot	Pinac
Badon	Geymann	Pitre
Baldone	Glover	Powell, M.
Barrow	Gray	Powell, T.
Baudoin	Greene	Quezaire
Baylor	Guillory, E.	Richmond
Beard	Guillory, M.	Ritchie
Bowler	Hammett	Robideaux
Bruce	Harris	Romero
Bruneau	Heaton	Scalise
Burns	Hill	Schneider
Burrell	Honey	Smiley
Carter, K.	Hopkins	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Chandler	Jefferson	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	LaFonta	Triche
DeWitt	Lambert	Tucker
Doerge	Lancaster	Waddell
Dorsey	Marchand	Walker
Dove	Martiny	Walsworth
Downs	McDonald	White
Durand	McVea	Winston
Erdey	Montgomery	Wooton

Total - 102

NAYS

Total - 0

ABSENT

Hebert	Hunter	Johns
--------	--------	-------

Total - 3

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Walsworth moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 190—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 40:1796, relative to the preemption of state law over local governmental ordinances regarding the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms or ammunition; to provide for an exception in cases of emergency or disaster; to provide for applicability in high-risk areas; to provide for definitions; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 190 by Representative Martiny

AMENDMENT NO. 1On page 2, line 5, following "shall" and before "to" change "only be released" to "be released only"**AMENDMENT NO. 2**On page 2, line 15, before the "—" change "Vermillion" to "Vermilion"

On motion of Rep. McDonald, the amendments were adopted.

Rep. Martiny moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Harris	Robideaux
Bruce	Heaton	Romero
Bruneau	Hebert	Schneider
Burns	Hill	Smiley
Burrell	Honey	Smith, G.
Carter, K.	Hopkins	Smith, J.D.—50th
Carter, R.	Hunter	Smith, J.H.—8th
Cazayoux	Hutter	Smith, J.R.—30th
Chandler	Jackson	St. Germain
Crane	Jefferson	Strain
Cravins	Katz	Thompson
Crowe	Kennard	Toomy
Curtis	Kenney	Townsend
Damico	Kleckley	Trahan
Daniel	LaBruzzo	Triche
Dartez	LaFleur	Tucker
DeWitt	LaFonta	Waddell
Doerge	Lambert	Walker
Dorsey	Lancaster	Walsworth
Dove	Marchand	White
Downs	Martiny	Winston
Durand	McDonald	Wooton
Erdey	McVea	
Fannin	Montgomery	

Total - 103

NAYS

Total - 0

ABSENT

Johns	Scalise
-------	---------

Total - 2

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Page 32 HOUSE

27th Day's Proceedings - May 15, 2006

Rep. Martiny moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Schneider, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

Acting Speaker John Smith in the Chair

HOUSE BILL NO. 1141— BY REPRESENTATIVES HEBERT AND SCALISE AN ACT

To amend and reenact R.S. 22:1430.12(A)(1), relative to insurance rates for certain policies; to exempt certain coverages from certain requirements for rates for policies offered by the Louisiana Citizens Property Insurance Corporation; and to provide for related matters.

Read by title.

Rep. Hebert moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Montgomery
Alario	Faucheux	Morrell
Alexander	Frith	Morrish
Ansardi	Gallot	Odinot
Arnold	Geymann	Pierre
Badon	Glover	Pinac
Baldone	Gray	Pitre
Barrow	Greene	Powell, M.
Baudoin	Guillory, E.	Powell, T.
Baylor	Guillory, M.	Quezaire
Beard	Hammitt	Richmond
Bowler	Harris	Ritchie
Bruce	Heaton	Robideaux
Bruneau	Hebert	Romero
Burns	Hill	Scalise
Burrell	Honey	Schneider
Carter, K.	Hopkins	Smiley
Carter, R.	Hunter	Smith, G.
Cazayoux	Hutter	Smith, J.D.—50th
Chandler	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Dartez	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker
Downs	Marchand	Walsworth
Durand	Martiny	White
Erdey	McDonald	Winston
Fannin	McVea	Wooton

Total - 105

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hebert moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1161— BY REPRESENTATIVE ST. GERMAIN AN ACT

To enact R.S. 56:322.2(I), relative to taking of shad; to authorize the use of unattended nets overnight during the open season in Lake Palourde and Lake Verret; to provide for certain restrictions; and to provide for related matters.

Read by title.

Rep. St. Germain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Frith	Morrish
Alexander	Gallot	Odinot
Arnold	Geymann	Pierre
Badon	Glover	Pinac
Baldone	Gray	Pitre
Baudoin	Greene	Powell, M.
Baylor	Guillory, E.	Powell, T.
Beard	Guillory, M.	Quezaire
Bowler	Hammitt	Richmond
Bruce	Harris	Ritchie
Bruneau	Heaton	Robideaux
Burns	Hebert	Romero
Burrell	Hill	Scalise
Carter, K.	Honey	Schneider
Carter, R.	Hopkins	Smiley
Cazayoux	Hunter	Smith, G.
Chandler	Hutter	Smith, J.D.—50th
Crane	Jackson	Smith, J.H.—8th
Cravins	Jefferson	St. Germain
Crowe	Johns	Strain
Curtis	Katz	Thompson
Damico	Kennard	Toomy
Daniel	Kenney	Townsend
Dartez	Kleckley	Trahan
DeWitt	LaBruzzo	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker
Downs	Marchand	Walsworth
Durand	Martiny	White
Erdey	McDonald	Winston
Fannin	McVea	Wooton
Farrar	Montgomery	
Faucheux	Morrell	

Total - 100

NAYS

Total - 0

ABSENT

Mr. Speaker	Barrow	Smith, J.R.—30th
Ansardi	LaFleur	

Total - 5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. St. Germain moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1199—

BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 15:542(B)(introductory paragraph) and (D) and to enact R.S. 15:542(B)(7), relative to registration of sex offenders; to provide for registration of sex offenders ten days prior to release from confinement from a state correctional facility; to provide for the offender's photograph to be placed on the office of state police's website; to provide for the initial payment of the registration fee upon release from confinement; and to provide for related matters.

Read by title.

Rep. Crowe moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fannin	Montgomery
Alario	Farrar	Morrell
Alexander	Faucheux	Morrish
Ansardi	Frith	Odinot
Arnold	Gallot	Pierre
Badon	Geymann	Powell, M.
Baldone	Glover	Powell, T.
Barrow	Gray	Quezaire
Baudoin	Greene	Richmond
Baylor	Guillory, E.	Ritchie
Beard	Guillory, M.	Robideaux
Bowler	Hammett	Romero
Bruce	Harris	Scalise
Bruneau	Hebert	Schneider
Burns	Hill	Smiley
Burrell	Honey	Smith, G.
Carter, K.	Hopkins	Smith, J.D.—50th
Carter, R.	Hunter	Smith, J.H.—8th
Cazayoux	Hutter	Smith, J.R.—30th
Chandler	Jackson	St. Germain
Crane	Jefferson	Strain
Cravins	Johns	Thompson
Crowe	Katz	Toomy
Curtis	Kennard	Townsend
Damico	Kenney	Trahan
Daniel	Kleckley	Triche
Dartez	LaBruzzo	Tucker
DeWitt	LaFleur	Waddell
Doerge	LaFonta	Walker
Dorsey	Lancaster	Walsworth
Dove	Marchand	White
Downs	Martiny	Winston
Durand	McDonald	Wooton
Erdey	McVea	

Total - 101

NAYS

Total - 0

ABSENT

Heaton	Pinac
Lambert	Pitre

Total - 4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Crowe moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1231—

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 56:643(B)(2), relative to hunting and fishing licenses; to provide that members of the Louisiana National Guard not currently on active duty shall be eligible for a resident Louisiana National Guard license; to provide that the same residency requirements as well as any additional qualifications and limitations apply to the resident Louisiana National Guard license as for the resident active military license; and to provide for related matters.

Read by title.

Rep. Walker sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Walker to Engrossed House Bill No. 1231 by Representative Walker

AMENDMENT NO. 1

On page 1, line 4, after "to provide" delete the remainder of the line and insert "for residency requirements;"

AMENDMENT NO. 2

On page 1, delete lines 5 and 6 in their entirety and on line 7, delete "license;"

AMENDMENT NO. 3

On page 2, line 12, after "who" delete the remainder of the line and delete line 13 in its entirety and insert in lieu thereof "submits proof of his status as a member in good standing of the Louisiana National Guard."

AMENDMENT NO. 4

On page 2, at the beginning of line 14, delete "Guard."

AMENDMENT NO. 5

On page 2, line 19, after "shall" delete the remainder of the line and on line 20, delete "identification card" and insert in lieu thereof "carry proof of his status as a member of the Louisiana National Guard"

AMENDMENT NO. 6

On page 2, line 24, after "who" delete the remainder of the line and delete lines 25 through 27 in their entirety and insert in lieu thereof:

Page 34 HOUSE

27th Day's Proceedings - May 15, 2006

"is registered to vote in Louisiana, has filed a Louisiana state income tax return, or is licensed to drive a motor vehicle in Louisiana. A copy of the prior year's income tax return, a copy of the applicant's voter registration card, or the actual driver's license shall constitute sufficient proof of residence."

On motion of Rep. Walker, the amendments were adopted.

Rep. Walker moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Frith	Montgomery
Alexander	Gallot	Morrell
Ansardi	Geymann	Odinet
Arnold	Glover	Pierre
Badon	Gray	Pinac
Baldone	Greene	Pitre
Barrow	Guillory, E.	Powell, M.
Baudoin	Guillory, M.	Powell, T.
Baylor	Hammett	Quezaire
Bowler	Harris	Richmond
Bruce	Heaton	Ritchie
Bruneau	Hebert	Robideaux
Burns	Hill	Romero
Burrell	Honey	Scalise
Carter, K.	Hopkins	Schneider
Carter, R.	Hunter	Smiley
Cazayoux	Hutter	Smith, G.
Chandler	Jackson	Smith, J.D.—50th
Crane	Jefferson	Smith, J.H.—8th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Dartez	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Dorsey	LaFonta	Tucker
Downs	Lambert	Waddell
Durand	Lancaster	Walker
Erdey	Marchand	Walsworth
Fannin	Martiny	White
Farrar	McDonald	Winston
Faucheux	McVea	Wooton
Total - 99		

NAYS

Total - 0

ABSENT

Mr. Speaker	Doerge	Morrish
Beard	Dove	Smith, J.R.—30th
Total - 6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Walker moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1249—

BY REPRESENTATIVES ODINET AND BALDONE AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:423(A) and (B)(1), 424(H), 425(A) and (C), 427.1, 428(A) and (B), 429, and 432.1, to enact R.S. 56:424(I), 425(E), and 432.2, and to repeal R.S. 56:428.1, 428.2, 428.3, and 430.1, relative to oyster leases; to authorize the acquisition by the state of oyster leases directly impacted by coastal protection, conservation, or restoration projects; to establish a hierarchy of rights; to establish limitations on actions against the state, its political subdivision, or the United States; to provide for lease terms; to establish a lease acquisition and compensation program in the Department of Natural Resources; to provide for annual reports; and to provide for related matters.

Read by title.

Rep. Odinet sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Odinet to Engrossed House Bill No. 1249 by Representative Odinet

AMENDMENT NO. 1

On page 4, line 13, change "Part" to "Subpart"

AMENDMENT NO. 2

On page 4, lines 16 and 17, change "bottoms" to "bottom"

AMENDMENT NO. 3

On page 4, line 18, delete "the secretary, the" and insert "either secretary, either"

AMENDMENT NO. 4

On page 15, at the end of line 2, change "practicable" to "practical"

On motion of Rep. Odinet, the amendments were adopted.

Rep. Odinet sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Odinet to Engrossed House Bill No. 1249 by Representative Odinet

AMENDMENT NO. 1

On page 2, line 28, after "writing" insert "the date and time of the survey or sample"

On motion of Rep. Odinet, the amendments were adopted.

Rep. Odinet moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Morrell
Alario	Frith	Odinet
Alexander	Gallot	Pierre

Ansardi	Geymann	Pinac
Arnold	Glover	Pitre
Badon	Gray	Powell, M.
Baldone	Greene	Powell, T.
Barrow	Guillory, E.	Quezaire
Baudoin	Guillory, M.	Richmond
Baylor	Hammett	Ritchie
Beard	Harris	Robideaux
Bowler	Heaton	Romero
Bruce	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Burrell	Hopkins	Smith, G.
Carter, K.	Hunter	Smith, J.D.—50th
Carter, R.	Hutter	Smith, J.H.—8th
Cazayoux	Jackson	Smith, J.R.—30th
Chandler	Jefferson	St. Germain
Crane	Johns	Strain
Cravins	Katz	Thompson
Crowe	Kennard	Toomy
Damico	Kenney	Townsend
Daniel	Kleckley	Trahan
Dartez	LaBruzzo	Triche
DeWitt	LaFleur	Tucker
Doerge	LaFonta	Waddell
Dorsey	Lambert	Walker
Dove	Lancaster	Walsworth
Downs	Marchand	White
Durand	Martiny	Winston
Erdey	McDonald	Wooton
Fannin	McVea	
Farrar	Montgomery	

Total - 103

NAYS

Total - 0

ABSENT

Curtis Morrish

Total - 2

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Odinet moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1255—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 37:3386.1(3), (10), and (14), 3387.1(A) and (E)(2), 3387.2(A) and (E)(1), 3388.2(A), (B), and (D), and 3389, to enact R.S. 36:259(E)(24) and R.S. 37:3387.10 through 3387.14, and to repeal R.S. 37:3386.1(13) and R.S. 37:3387.7 through 3387.9, relative to the Addictive Disorders Practice Act; to provide transitional authority for the Addictive Disorder Regulatory Authority; to provide for definitions; to provide for licensed prevention professionals, certified prevention professionals, registered prevention professionals, prevention services assistants, and certified prevention supervisors; to provide for the Addictive Disorder Regulatory Authority; and to provide for related matters.

Read by title.

Rep. Durand sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Durand to Engrossed House Bill No. 1255 by Representative Durand

AMENDMENT NO. 1

On page 2, line 2, after "(D)" and before "and" insert a comma ","

AMENDMENT NO. 2

On page 10, line 27, after "days" and before "notify" insert a comma ","

AMENDMENT NO. 3

On page 17, line 5, after "described in" and before "Subsection" insert "this"

AMENDMENT NO. 4

On page 17, line 6, delete "D of this Section"

On motion of Rep. Durand, the amendments were adopted.

Rep. Durand moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Erdey	Martiny
Alario	Fannin	McDonald
Alexander	Farrar	McVea
Ansardi	Faucheux	Montgomery
Arnold	Frith	Morrell
Badon	Gallot	Odinet
Baldone	Geymann	Pierre
Barrow	Glover	Pinac
Baudoin	Gray	Pitre
Baylor	Guillory, E.	Powell, T.
Beard	Guillory, M.	Quezaire
Bowler	Hammett	Richmond
Bruce	Harris	Ritchie
Bruneau	Heaton	Romero
Burns	Hebert	Smith, G.
Burrell	Hill	Smith, J.D.—50th
Carter, K.	Honey	Smith, J.H.—8th
Carter, R.	Hopkins	Smith, J.R.—30th
Cazayoux	Hunter	St. Germain
Chandler	Hutter	Strain
Crane	Jackson	Thompson
Crowe	Jefferson	Toomy
Curtis	Johns	Townsend
Damico	Kennard	Trahan
Daniel	Kenney	Triche
Dartez	Kleckley	Waddell
DeWitt	LaBruzzo	Walker
Doerge	LaFleur	White
Dorsey	LaFonta	Winston
Dove	Lambert	Wooton
Downs	Lancaster	
Durand	Marchand	
Total - 94		

NAYS

Greene	Scalise	Tucker
Powell, M.	Schneider	

Page 36 HOUSE

27th Day's Proceedings - May 15, 2006

Robideaux
Total - 7

Smiley

ABSENT

Cravins
Katz
Total - 4

Morrish
Walsworth

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Durand moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1289—

BY REPRESENTATIVES MORRELL, ANSARDI, BADON, BALDONE, BARROW, BAUDOUIN, BAYLOR, BURNS, BURRELL, K. CARTER, DANIEL, DARTEZ, DORSEY, FARRAR, FAUCHEUX, FRITH, GLOVER, GRAY, E. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, McDONALD, ODINET, PIERRE, QUEZAIRE, RICHMOND, ROMERO, SCHNEIDER, JANE SMITH, ST. GERMAIN, AND TRAHAN

AN ACT

To enact R.S. 22:629(A)(4), relative to insurance contracts; to prohibit the inclusion of certain time limitations on actions on claims for damages arising from a gubernatorially declared disaster, namely Hurricanes Katrina and Rita; to authorize declaratory judgment to determine constitutionality of Act; to provide for an emergency effective date; and to provide for related matters.

Read by title.

Rep. Morrell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Engrossed House Bill No. 1289 by Representative Morrell

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 22:692" delete "(A)(4)," and insert "and to enact R.S. 22:658.3,"

AMENDMENT NO. 2

On page 1, line 2, after "insurance" delete the remainder of the line and insert "claims; to provide relative to"

AMENDMENT NO. 3

On page 1, line 3, after "limitations on"" delete the remainder of the line and delete lines 4 and 5 in their entirety and insert the following:

"actions; to extend the time for filing certain insurance claims for damages arising from hurricane activity; to provide for an"

AMENDMENT NO. 4

On page 1, line 8, after "R.S. 22:692" delete "(A)(4)" and insert "is hereby amended and reenacted and R.S. 22:658.3"

AMENDMENT NO. 5

On page 1, delete lines 14 through 18 in their entirety and insert the following:

"(1) Requiring it to be construed according to the laws of any other state or country except as necessary to meet the requirements of the motor vehicle financial responsibility laws of such other state or country; ~~or~~

(2) Depriving the courts of this state of the jurisdiction of action against the insurer; ~~or~~.

~~(3) B. No insurance contract delivered or issued for delivery in this state and covering subjects located, resident, or to be performed in this state, or any group health and accident policy insuring a resident of this state regardless of where made or delivered, shall contain any condition, stipulation, or agreement limiting~~ ~~Limiting~~ right of action against the insurer to a period of less than twelve months next after the inception of the loss when the claim arises under any insurance classified and defined in R.S. 22:6(10), (11), (12), and (13), or to a period of less than one year from the time when the cause of action accrues in connection with all other insurances unless otherwise specifically provided in this Code.

~~B. C.~~ Any such condition, stipulation, or agreement in violation of this Section shall be void, but such voiding shall not affect the validity of the other provisions of the contract."

AMENDMENT NO. 6

On page 2, delete lines 1 through 14 in their entirety and insert the following:

"§658.3. Filing claims; extension for claims arising from hurricane activity

A. Notwithstanding any other provision of this Title to the contrary, any person or entity having a claim for damages pursuant to a homeowners' insurance policy, personal property insurance policy, tenant homeowners' insurance policy, condominium owners' insurance policy, or commercial property insurance policy, and resulting from Hurricane Katrina shall have through September 1, 2007, within which to file a claim with their insurer for damages, unless a greater time period to file such claim is otherwise provided by law or by contract.

B. Notwithstanding any other provision of this Title to the contrary, any person or entity having a claim for damages pursuant to a homeowners' insurance policy, personal property insurance policy, tenant homeowners' insurance policy, condominium owners' insurance policy, or commercial property insurance policy, and resulting from Hurricane Rita shall have through October 1, 2007, within which to file a claim with their insurer for damages, unless a greater time period to file such claim is otherwise provided by law or by contract."

Rep. Morrell moved the adoption of the amendments.

Rep. Bowler objected.

By a vote of 76 yeas and 22 nays, the amendments were adopted.

Rep. Morrell moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker
Alario
Alexander

Fannin
Farrar
Fauchaux

McVea
Montgomery
Morrell

Ansardi	Frith	Morrish
Arnold	Gallot	Odinot
Badon	Geymann	Pierre
Baldone	Glover	Pinac
Barrow	Gray	Pitre
Baudoin	Greene	Quezaire
Baylor	Guillory, E.	Richmond
Beard	Guillory, M.	Ritchie
Bruce	Hammett	Robideaux
Bruneau	Harris	Romero
Burns	Heaton	Scalise
Burrell	Hebert	Schneider
Carter, K.	Hill	Smiley
Carter, R.	Honey	Smith, G.
Cazayoux	Hunter	Smith, J.D.—50th
Chandler	Hutter	Smith, J.H.—8th
Crane	Jackson	Smith, J.R.—30th
Cravins	Jefferson	St. Germain
Crowe	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walker
Downs	Martiny	White
Durand	McDonald	Wooton
Total - 96		

NAYS

Bowler	Katz	Walsworth
Erdey	Powell, M.	Winston
Johns	Powell, T.	
Total - 8		

ABSENT

Hopkins
Total - 1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Morrell moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Speaker Salter in the Chair

HOUSE BILL NO. 1376 (Substitute for House Bill No. 407 by Representative Richmond)—
BY REPRESENTATIVE RICHMOND
AN ACT

To enact the "Louisiana Tax Delinquency Amnesty Act"; to provide for definitions; to require the Department of Revenue to establish a tax amnesty program as provided for in this Act; to provide for terms and conditions of the program; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 1376 by Representative Richmond

AMENDMENT NO. 1

On page 2, line 11, following "will" and before "to" change "only apply" to "apply only"

AMENDMENT NO. 2

On page 3, line 9, following "shall" and before "be" delete "only" and on line 11, at the beginning of the line and before "if" insert "only"

On motion of Rep. McDonald, the amendments were adopted.

Motion

On motion of Rep. Richmond, the bill, as amended, was returned to the calendar.

HOUSE BILL NO. 1377 (Substitute for House Bill No. 502 by Representative Pinac)—
BY REPRESENTATIVE PINAC
AN ACT

To enact Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:781 through 822, and to repeal Chapter 4-A of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:751 through 766, and Chapter 4-B of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:771 through 780, relative to the Louisiana Recreational and Used Motor Vehicle Commission; to provide for definitions; to provide for jurisdiction and authority; to provide for appointment and the powers and duties of the commission; to provide for licensing requirements for dealers; to provide for injunctions; to provide for penalties; to provide for application and bond requirements for a used motor vehicle dealer license; to provide for suspension or revocation of license; to provide for rent with option-to-purchase program; to provide for water-damaged vehicles; to provide for prohibition of black market sales; to provide for licensing requirements for dismantlers, parts recyclers, used parts dealers, and motor vehicle crushers; to provide for suspension of licenses; to provide for requirement to keep records; to provide for transfers of title; to provide for salvage pools; to provide for salvage dealers; to provide for requirements for recreational product dealers and manufacturers; to provide for unlawful acts and suspension of license; to provide for indemnity requirements; to provide for areas of responsibility; to provide for repurchase requirements; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Pinac, the bill was returned to the calendar.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Pinac gave notice of his intention to call House Bill No. 1377 from the calendar for future action.

HOUSE BILL NO. 1378 (Substitute for House Bill No. 559 by Representative Hebert)—
BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact Children's Code Article 638, relative to children in need of care; to provide for service of the petition; and to provide for related matters.

Page 38 HOUSE

27th Day's Proceedings - May 15, 2006

Read by title.

Rep. Hebert moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Odinet
Alario	Frith	Pierre
Alexander	Gallot	Pinac
Ansardi	Geymann	Pitre
Arnold	Glover	Powell, M.
Badon	Gray	Powell, T.
Baldone	Greene	Quezaire
Barrow	Guillory, E.	Richmond
Baudoin	Guillory, M.	Ritchie
Baylor	Hammett	Robideaux
Beard	Harris	Romero
Bowler	Heaton	Scalise
Bruce	Hebert	Schneider
Bruneau	Hill	Smiley
Burns	Honey	Smith, G.
Burrell	Hopkins	Smith, J.D.—50th
Carter, K.	Hutter	Smith, J.H.—8th
Carter, R.	Jackson	Smith, J.R.—30th
Cazayoux	Jefferson	St. Germain
Chandler	Johns	Strain
Crane	Katz	Thompson
Cravins	Kennard	Toomy
Crowe	Kenney	Townsend
Curtis	Kleckley	Trahan
Damico	LaBruzzo	Triche
Daniel	LaFleur	Tucker
Doerge	LaFonta	Waddell
Dorsey	Lambert	Walker
Dove	Lancaster	Walsworth
Downs	Martiny	White
Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	
Farrar	Morrish	
Total - 100		

NAYS

Total - 0

ABSENT

Dartez	Hunter	Morrell
DeWitt	Marchand	
Total - 5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hebert moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1379 (Substitute for House Bill No. 860 by Representative Alexander)—

BY REPRESENTATIVE ALEXANDER

AN ACT

To amend and reenact Civil Code Articles 102 and 103(1) and Code of Civil Procedure Articles 3952, 3953(introductory paragraph) and (1) and (2) and 3956(introductory paragraph) and (5) and R.S.13:3491(A)(introductory paragraph) and (5)(a) and (B) and

3492(A)(introductory paragraph) and (6)(b) and (B) and to enact Civil Code Article 103.1, relative to divorce; to provide for the granting of divorce when there are minor children of the marriage; to provide for nullity of judgments; and to provide for related matters.

Read by title.

Rep. Alexander moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fannin	Morrish
Alario	Farrar	Pierre
Alexander	Frith	Pinac
Ansardi	Geymann	Powell, M.
Baudoin	Greene	Powell, T.
Bruce	Guillory, E.	Robideaux
Burns	Guillory, M.	Scalise
Burrell	Hill	Schneider
Cazayoux	Hutter	Smiley
Chandler	Jackson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Katz	St. Germain
Crowe	Kenney	Strain
Curtis	Kleckley	Thompson
Doerge	LaBruzzo	Triche
Dorsey	Lambert	Waddell
Dove	Lancaster	Walsworth
Downs	McDonald	White
Durand	McVea	
Erdey	Montgomery	
Total - 58		

NAYS

Arnold	Gray	Quezaire
Badon	Heaton	Richmond
Baldone	Hebert	Ritchie
Bowler	Honey	Smith, G.
Bruneau	Jefferson	Toomy
Carter, R.	LaFleur	Townsend
Damico	LaFonta	Trahan
Daniel	Marchand	Tucker
DeWitt	Martiny	Walker
Faucheux	Morrell	Winston
Gallot	Odinet	Wooton
Glover	Pitre	
Total - 35		

ABSENT

Barrow	Dartez	Hunter
Baylor	Hammett	Kennard
Beard	Harris	Romero
Carter, K.	Hopkins	Smith, J.D.—50th
Total - 12		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alexander moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1380 (Substitute for House Bill No. 1181 by Representative LaBruzzo)—
BY REPRESENTATIVE LABRUZZO

AN ACT

To enact R.S. 8:655(C) and R.S. 37:876(F), relative to funeral homes; to provide for a child's right to view the body of a deceased parent; to provide for exceptions; and to provide for related matters.

Read by title.

Rep. LaBruzzo sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LaBruzzo to Engrossed House Bill No. 1380 by Representative LaBruzzo

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 8:655(C)" insert "and (D)"

AMENDMENT NO. 2

On page 1, line 2, after "R.S. 37:876(F)" and before the comma "," insert "and (G)"

AMENDMENT NO. 3

On page 1, line 3, after "exceptions;" insert "to provide for a civil action;"

AMENDMENT NO. 4

On page 1, line 6, after "R.S. 8:655(C)" delete "is" and insert "and (D) are"

AMENDMENT NO. 5

On page 1, delete lines 9 through 14 in their entirety and insert the following:

"C. Unless other specific directions given by the deceased in the form of a written and notarized declaration provide to the contrary, no person that controls interment as provided for in this Section who views the remains of the deceased, shall prevent a child of a deceased parent from viewing the body prior to its transfer to the cemetery or crematory."

D. A person who controls the right of interment shall be liable to a child of the deceased for any damages, including but not limited to mental anguish, for failure to comply with the provisions of Subsection C of this Section."

AMENDMENT NO. 6

On page 1, line 15, after "R.S. 37:876(F)" delete "is" and insert "and (G) are"

AMENDMENT NO. 7

On page 1, delete lines 18 and 19 in their entirety and on page 2, delete lines 1 and 2 in their entirety and insert the following:

"F. Unless other specific directions given by the deceased in the form of a written and notarized declaration provide to the contrary, no person that serves as an authorizing agent as provided for in this Section who views the remains of the deceased, shall prevent a child

of a deceased parent from viewing the body prior to its transfer to the crematory."

G. A person that serves as an authorizing agent shall be liable to a child of the deceased for any damages, including but not limited to mental anguish, for failure to comply with the provisions of Subsection F of this Section."

On motion of Rep. LaBruzzo, the amendments were adopted.

Rep. LaBruzzo moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Morrish
Alario	Frith	Odinot
Alexander	Gallot	Pierre
Ansardi	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Hebert	Scalise
Bruce	Hill	Schneider
Bruneau	Hopkins	Smiley
Burns	Hunter	Smith, G.
Burrell	Hutter	Smith, J.D.—50th
Carter, R.	Jackson	Smith, J.H.—8th
Cazayoux	Jefferson	Smith, J.R.—30th
Chandler	Johns	St. Germain
Crane	Katz	Strain
Cravins	Kennard	Thompson
Crowe	Kenney	Toomy
Curtis	Kleckley	Townsend
Damico	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Martiny	Walsworth
Downs	McDonald	White
Durand	McVea	Winston
Erdey	Montgomery	Wooton
Fannin	Morrell	
Total - 95		

NAYS

Daniel	Honey	Romero
Farrar	Marchand	
Heaton	Richmond	
Total - 7		

ABSENT

Arnold	Carter, K.	Harris
Total - 3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LaBruzzo moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Ritchie, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 1270—

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 51:710(A) and to enact R.S. 51:710.1, relative to securities; to provide for the powers and authority of the commissioner of securities; to provide additional powers for the commissioner during a declared state of emergency; to authorize the assessment of certain fees; to authorize the commissioner to assess certain civil monetary penalties; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Ritchie sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ritchie to Engrossed House Bill No. 1270 by Representative Ritchie

AMENDMENT NO. 1

On page 1, at the end of line 4, delete "to" and at the beginning of line 5, delete "authorize the assessment of certain fees;"

AMENDMENT NO. 2

On page 2, delete lines 8 through 10

AMENDMENT NO. 3

On page 2, at the beginning of line 11, delete "(ii)"

On motion of Rep. Ritchie, the amendments were adopted.

Rep. Ritchie moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Erdey	Morrish
Alario	Fannin	Odinot
Alexander	Farrar	Pierre
Ansardi	Faucheux	Pinac
Arnold	Frith	Pitre
Badon	Gallot	Powell, M.
Baldone	Geymann	Powell, T.
Barrow	Glover	Quezaire
Baudoin	Gray	Ritchie
Baylor	Guillory, E.	Robideaux
Beard	Guillory, M.	Scalise
Bowler	Hammett	Schneider
Bruce	Hebert	Smiley
Bruneau	Hill	Smith, G.
Burns	Honey	Smith, J.D.—50th
Burrell	Hopkins	Smith, J.H.—8th
Carter, K.	Hunter	Smith, J.R.—30th
Carter, R.	Hutter	St. Germain
Cazayoux	Jackson	Strain

Chandler
Crane
Cravins
Crowe
Curtis
Damico
Daniel
Dartez
DeWitt
Doerge
Dorsey
Dove
Downs
Durand

Total - 97

Jefferson
Johns
Katz
Kennard
Kenney
Kleckley
LaFleur
LaFonta
Lambert
Marchand
McDonald
McVea
Montgomery
Morrell

NAYS

Total - 0

ABSENT

Greene
Harris
Heaton

Total - 8

LaBruzzo
Lancaster
Martiny

Richmond
Romero

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Ritchie moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Tucker, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 310—

BY REPRESENTATIVE TUCKER

AN ACT

To repeal R.S. 17:10.6(C) and (D), relative to school and district accountability; to repeal certain provisions relative to a local public school system that is academically in crisis and the powers of the school board and superintendent of such system.

Called from the calendar.

Read by title.

Rep. Tucker moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Morrell
Alario	Frith	Morrish
Alexander	Gallot	Odinot
Ansardi	Geymann	Pierre
Arnold	Glover	Pinac
Badon	Gray	Pitre
Baldone	Greene	Powell, M.
Barrow	Guillory, E.	Powell, T.
Baudoin	Guillory, M.	Quezaire
Baylor	Hammett	Richmond
Beard	Harris	Ritchie
Bowler	Heaton	Robideaux

Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Chandler	Jefferson	Smith, J.R.—30th
Crane	Johns	St. Germain
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Darte	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker
Downs	Marchand	White
Durand	Martiny	Winston
Erdey	McDonald	Wooton
Fannin	McVea	
Farrar	Montgomery	

Total - 103

NAYS

Curtis
Total - 1

ABSENT

Walsworth
Total - 1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Tucker moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Montgomery, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 699— BY REPRESENTATIVE MONTGOMERY AN ACT

To enact Chapter 10-A of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1356 through 1368, relative to cable services; to create the "Competitive Cable and Video Services Act"; to provide guidelines for cable and video services; to provide for certificate of franchise authority to be distributed by the secretary of state; to provide for franchise fees associated with cable or video services; to provide for franchise fee audits and dispute resolutions; to provide for the distribution of these fees; to provide for a prohibition against build-out requirements; to authorize a local governmental subdivision to regulate a certificate holder; to prohibit discrimination with regards to cable or video services; to provide for public, educational, and governmental access channels; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Greene sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Greene to Engrossed House Bill No. 699 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 3, after "through" change "1368" to "1361"

AMENDMENT NO. 2

On page 1, delete lines 5 thorough 11, and insert the following:

"video services; to provide for add-on cable service providers; to authorize negotiation of cable franchises with local governmental subdivisions; and to provide for related"

AMENDMENT NO. 3

On page 1, line 15, after "through" change "1368" to "1361"

AMENDMENT NO. 4

On page 2, at the end of line 10, insert the following:

"The term "cable service" shall include video programming, which means programming provided by, or generally considered comparable to programming provided by, a television broadcast station. The term "cable service" shall include video service, which means video programming services provided by wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology."

AMENDMENT NO. 5

On page 2, at the end of line 14, insert the following:

"The term "cable service provider" includes any provider of video programming or video service."

AMENDMENT NO. 6

On page 3, delete lines 3 through 8 in their entirety

AMENDMENT NO. 7

On page 3, at the beginning of line 9, delete "(6)" and insert "(4)"

AMENDMENT NO. 8

On page 3, at the beginning of line 15, delete "(7)" and insert "(5)"

AMENDMENT NO. 9

On page 3, at the beginning of line 17, delete "(8)" and insert "(6)"

AMENDMENT NO. 10

On page 3, delete line 19 through 29, and on page 4, delete lines 1 through 23

AMENDMENT NO. 11

On page 4, at the beginning of line 24, delete "(11)" and insert "(7)"

AMENDMENT NO. 12

Page 42 HOUSE

27th Day's Proceedings - May 15, 2006

On page 4, delete lines 25 through 29

AMENDMENT NO. 13

On page 5, delete lines 10 through 29, delete pages 6 through 14, and on page 15, delete lines 1 through 20 and insert the following:

"§1359. Cable Franchising

A. Any person or entity seeking to operate a cable system utilizing the public rights-of-way of any local governmental subdivision that does not have an incumbent cable service provider may negotiate a franchise with the local governmental subdivision.

B. (1) Any person or entity seeking to operate a cable system utilizing the public rights-of-way of any local governmental subdivision that does have an incumbent cable service provider shall be entitled to operate pursuant to the franchise to which the local governmental subdivision and the incumbent cable service provider are both parties.

(2) Such person or entity shall be deemed an "add-on cable service provider."

§1360. Add-on cable service provider; requirements to adopt franchise

A. Any add-on cable service provider opting to provide cable service under the provisions of this Part shall abide by the provisions of this Section.

B.(1) The add-on cable service provider shall notify the local governing authority of its intent to adopt the franchise applicable to the incumbent service provider.

(2) The notice shall be written and hand delivered or delivered by certified mail and shall include:

(a) Name and address of the add-on cable service provider

(b) A statement of intent to adopt the franchise applicable to the incumbent cable service provider

(c) Address to which the franchise document is to be sent

C. Within ten days of the receipt of a notice of intent pursuant to this Section the local governmental subdivision shall deliver to the add-on cable service provider, at the address in the notice of intent, a copy of the documents setting forth the terms and conditions of the franchise applicable to the incumbent cable service provider.

D.(1) In order to finalize acceptance of the franchise the add-on cable service provider shall provide a written statement of agreement to all terms and conditions of the franchise.

(2) The statement of agreement shall be signed by a person authorized to contractually bind the add-on cable service provider and shall be hand delivered or delivered by certified mail.

E. Within thirty days of receipt of the statement of agreement the local governmental subdivision shall notify the add-on cable service provider of the date on which the franchise shall become effective, which date shall be no later than sixty days from the receipt of the statement of agreement.

§1361. Exception

Nothing in this Part shall prohibit any person or entity from negotiating a unique franchise with a local governmental subdivision.

separate and distinct from the franchise applicable to an incumbent cable service provider."

Rep. Greene moved the adoption of the amendments.

Rep. Montgomery objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander	Erdey	McVea
Ansardi	Gray	Morrish
Barrow	Greene	Smiley
Baudoin	Guillory, M.	Smith, G.
Burrell	Hebert	St. Germain
Cazayoux	Hutter	Toomy
Crowe	Kleckley	Walker
DeWitt	LaFleur	White
Dorsey	Martiny	Wooton
Total - 27		

NAYS

Mr. Speaker	Frith	Pierre
Alario	Gallot	Pinac
Arnold	Geymann	Pitre
Badon	Glover	Powell, M.
Baldone	Guillory, E.	Powell, T.
Bowler	Hammett	Quezaire
Bruce	Heaton	Richmond
Bruneau	Hill	Ritchie
Burns	Honey	Robideaux
Carter, R.	Hunter	Scalise
Chandler	Jackson	Schneider
Crane	Jefferson	Smith, J.H.-8th
Cravins	Katz	Smith, J.R.-30th
Curtis	Kenney	Strain
Damico	LaFonta	Thompson
Doerge	Lambert	Townsend
Dove	Lancaster	Trahan
Downs	Marchand	Triche
Durand	McDonald	Tucker
Fannin	Montgomery	Waddell
Farrar	Morrell	Walsworth
Faucheux	Odinot	Winston
Total - 66		

ABSENT

Baylor	Dartez	Kennard
Beard	Harris	LaBruzzo
Carter, K.	Hopkins	Romero
Daniel	Johns	Smith, J.D.-50th
Total - 12		

The amendments were rejected.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Guillory, E.	Pinac
Alario	Hammett	Pitre

Arnold	Heaton	Powell, M.
Badon	Hebert	Powell, T.
Baldone	Hill	Quezaire
Bowler	Honey	Richmond
Bruce	Hopkins	Ritchie
Bruneau	Hunter	Robideaux
Burns	Hutter	Romero
Carter, R.	Jackson	Scalise
Chandler	Jefferson	Schneider
Crane	Katz	Smith, G.
Cravins	Kennard	Smith, J.H.—8th
Curtis	Kenney	Smith, J.R.—30th
Damico	LaBruzzo	Strain
Dartez	LaFonta	Thompson
Dove	Lambert	Townsend
Downs	Lancaster	Trahan
Fannin	Marchand	Triche
Farrar	McDonald	Tucker
Faucheux	McVea	Waddell
Frith	Montgomery	Walsworth
Gallot	Morrell	Winston
Geymann	Odinot	
Glover	Pierre	

Total - 73

NAYS

Alexander	Dorsey	Martiny
Ansardi	Durand	Morrish
Barrow	Erdey	Smiley
Baudoin	Gray	St. Germain
Baylor	Greene	Toomy
Burrell	Guillory, M.	Walker
Cazayoux	Johns	White
Crowe	Kleckley	Wooton
DeWitt	LaFleur	

Total - 26

ABSENT

Beard	Daniel	Harris
Carter, K.	Doerge	Smith, J.D.—50th

Total - 6

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Montgomery, the rules were suspended in order to take up and consider Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

May 15, 2006

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 192
Returned without amendments

House Concurrent Resolution No. 195
Returned without amendments

House Concurrent Resolution No. 196
Returned without amendments

House Concurrent Resolution No. 197
Returned without amendments

House Concurrent Resolution No. 199
Returned without amendments

House Concurrent Resolution No. 200
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

May 15, 2006

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 84 and 86

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

SENATE BILLS

May 15, 2006

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 382, 471, 642, 684, and 687

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**Senate Bills and Joint Resolutions
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 382—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 24:51(2) and R.S. 49:72(5) and to repeal R.S. 42:1123(13), relative to the Code of Governmental Ethics; to repeal provisions relative to an elected official's authorization to accept certain gifts; and to provide for related matters.

Read by title.

SENATE BILL NO. 471—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 20:1(A)(2) and (D) and to enact R.S. 13:3881(A)(7), relative to property exempt from seizure; to provide for insurance proceeds; to require that insurance proceeds issued to replace property exempt from seizure also be exempt from seizure; to provide for the homestead exemption from seizure and sale; to provide for an extension of such exemption to proceeds from any property insurance policy under certain natural disasters; to provide relative to the accounting for such proceeds; to provide relative to the value of such exemption; and to provide for related matters.

Read by title.

SENATE BILL NO. 642—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 37:3103(A)(3), (3.1), and (4), relative to auctioneers; to redefine the terms "auction," "auction house," and "auctioneer"; and to provide for related matters.

Read by title.

SENATE BILL NO. 684—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 33:4702(B)(2), (6) and (7), (C), (E)(1), (F) through (J), the introductory paragraph of R.S. 33:4703(C) and (C)(4), (7), (8), (9), (10), (11), (13) and (14), 4706(A), 4707(A)(1) through (10), (B) through (S), 4708(B), (C) and (D); to enact R.S. 33:4703(C)(15) through (18), 4707(A)(11) and (12), and (T) through (W); and to repeal R.S. 33:4702(E)(4) and (5) and 4880, relative to the New Orleans Regional Business Park; to provide with respect to the initial terms of the members appointed to the board; to provide with respect to removal of members of the board; to provide for an executive director; to provide with respect to plans submitted by the board and the process related to such plans; to provide with respect to incurring debt and the limitation on bonded indebtedness; to provide with respect to the board of liquidation; to provide with respect to the character of the designated project areas; to provide with respect to the authorization of taxes and the issuance and sale of bonds and other instruments of indebtedness; to provide with respect to the use of district funds; to define terms; and to provide for related matters.

Read by title.

SENATE BILL NO. 687—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 42:1123(37), relative to the Code of Governmental Ethics; to authorize certain insurance producers to serve as a professional insurance advisor or an insurance producer of record to a governmental entity; to provide for payment of compensation under certain circumstances; and to provide for related matters.

Read by title.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 65—
BY REPRESENTATIVE DORSEY

A RESOLUTION

To express sincere and heartfelt condolences upon the death of Dorsey Hawkins.

Read by title.

On motion of Rep. Dorsey, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 66—
BY REPRESENTATIVE DOVE

A RESOLUTION

To recognize May of 2006 as Woodmen of the World, Lodge 308, Month and to encourage the state's citizens to acknowledge the numerous contributions of the Woodmen of the World organization during the centennial celebration of Lodge 308.

Read by title.

On motion of Rep. Dove, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 67—
BY REPRESENTATIVE DOVE

A RESOLUTION

To commend Gerald J. Collins, a member of Woodmen of the World/Omaha Life Insurance Society, Woodmen Lodge 308 in Houma, upon being recognized as a Fraternal MVP (Most Valuable Participant) by the National Fraternal Congress of America.

Read by title.

On motion of Rep. Dove, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 68—
BY REPRESENTATIVE DORSEY

A RESOLUTION

To commend the Magnolia Baptist Church of Baton Rouge upon the occasion of its one hundred thirtieth anniversary.

Read by title.

On motion of Rep. Dorsey, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 202—
BY REPRESENTATIVES GALLOT AND DOWNS AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend Richard I. Durrett, P. E. upon his retirement as parish administrator/engineer for the Lincoln Parish Police Jury and to recognize his achievements and contributions.

Read by title.

On motion of Rep. Gallot, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 203—
BY REPRESENTATIVES SCALISE AND SALTER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services (CMS) do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D.

Read by title.

On motion of Rep. Scalise, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate

HOUSE CONCURRENT RESOLUTION NO. 204—
BY REPRESENTATIVE DOWNS

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study speed limits and their enforcement on state and U.S. highways within municipalities, to urge and request the legislative auditor to study excessive speed limit enforcement in at least one municipality as part of the department's study, and to request that the department report its findings to the House and Senate Committees on Transportation, Highways and Public Works prior to the convening of the 2007 Regular Session.

Read by title.

On motion of Rep. Downs, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 205—
BY REPRESENTATIVE RICHMOND

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles.

Read by title.

On motion of Rep. Richmond, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 206—
BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To continue and provide for the Louisiana Task Force on Indigent Defense Services.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 207—
BY REPRESENTATIVES SCHNEIDER AND TRICHE

A CONCURRENT RESOLUTION

To approve a cost-of-living increase requested by the board of trustees of the Louisiana State Employees' Retirement System (LASERS) of up to two and four-tenths percent for LASERS' retirees, survivors, and beneficiaries, effective July 1, 2006.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 208—
BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card.

Read by title.

On motion of Rep. Baldone, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 209—
BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To express condolences upon the death of Joseph Dickson Dorroh, Jr. of Lake Charles.

Read by title.

On motion of Rep. Kleckley, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Appropriations

May 15, 2006

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Appropriations to submit the following report:

House Concurrent Resolution No. 119, by Morrish
Reported favorably. (10-0)

House Bill No. 269, by Pinac
Reported with amendments. (10-0) (Regular)

House Bill No. 308, by Kleckley
Reported with amendments. (10-0) (Regular)

House Bill No. 436, by Greene
Reported favorably. (10-0) (Regular)

House Bill No. 979, by E Guillory
Reported with amendments. (10-0) (Regular)

Page 46 HOUSE

27th Day's Proceedings - May 15, 2006

House Bill No. 1001, by Gray
Reported favorably. (10-0) (Regular)

House Bill No. 1020, by Dorsey
Reported by substitute. (10-0) (Regular)

House Bill No. 1029, by Dorsey
Reported with amendments. (11-0) (Regular)

House Bill No. 1172, by Tucker
Reported favorably. (10-0) (Regular)

JOHN A. ALARIO, JR.
Chairman

Report of the Committee on Civil Law and Procedure

May 15, 2006

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 892, by K. Carter
Reported with amendments. (8-0) (Regular)

House Bill No. 1163, by Ansardi
Reported by substitute. (8-0) (Regular)

House Bill No. 1222, by Gallot
Reported with amendments. (8-0) (Regular)

House Bill No. 1250, by Pinac
Reported favorably. (6-1-1) (Regular)

House Bill No. 1266, by G. Smith
Reported favorably. (8-0) (Regular)

GLENN ANSARDI
Chairman

Report of the Committee on Commerce

May 15, 2006

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Commerce to submit the following report:

House Bill No. 540, by Burns
Reported favorably. (13-4) (Regular)

House Bill No. 619, by Burns
Reported with amendments. (12-4) (Regular)

House Bill No. 742, by Pinac
Reported with amendments. (13-0) (Regular)

House Bill No. 1087, by Glover
Reported with amendments. (9-4) (Regular)

GIL J. PINAC
Chairman

Privileged Report of the Legislative Bureau

May 15, 2006

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 9
Reported without amendments.

Senate Bill No. 196
Reported without amendments.

Senate Bill No. 216
Reported without amendments.

Senate Bill No. 525
Reported without amendments.

Respectfully submitted,

CHARLES MCDONALD
Chairman

Senate Bills and Joint Resolutions on Second Reading to be Referred

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

Motion

On motion of Rep. Ansardi, the Committee on Education was discharged from further consideration of Senate Bill No. 308.

SENATE BILL NO. 308—

BY SENATORS MURRAY AND HEITMEIER AND REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact R.S. 17:1990(B)(4)(b)(i) and to enact R.S. 17:1990(B)(4)(b)(iv), and R.S. 41:901, relative to the disposition of certain unused school property; to provide relative to the Recovery School District; to authorize the school district and certain city, parish, or other local public school boards to sell, exchange, or lease land or buildings over which it has the rights and responsibility of ownership to certain entities; to provide with regard to the nature of such property transfer; to provide with regard to the applicability of certain laws; and to provide for related matters.

Read by title.

Motion

Rep. Ansardi moved that Senate Bill No. 308 be designated as a duplicate of House Bill No. 916.

Which motion was agreed to.

Motion

On motion of Rep. Ansardi, the above bill was referred to the Legislative Bureau.

Privileged Report of the Committee on Enrollment

May 15, 2006

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 63—

BY REPRESENTATIVES MORRELL, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, PIERRE, QUEZAIRE, AND RICHMOND

A RESOLUTION

To commend Scott Wells for his commitment to the citizens of Louisiana in the restoration and rebuilding efforts after Hurricanes Katrina and Rita.

HOUSE RESOLUTION NO. 64—

BY REPRESENTATIVE DORSEY

A RESOLUTION

To express sincere and heartfelt condolences upon the death of Lee Esther "Bae Bae" Barrow of Baton Rouge.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

May 15, 2006

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 178—

BY REPRESENTATIVE MORRELL

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to provide cellular telephones for limited use in FEMA-issued trailers when telephone service is otherwise unavailable.

HOUSE CONCURRENT RESOLUTION NO. 182—

BY REPRESENTATIVES DOVE AND BALDONE AND SENATOR DUPRE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 189—

BY REPRESENTATIVE E. GUILLORY

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the feasibility of implementing an online student information system for the parents of public high school students to access and to report the study findings and recommendations, in writing, to the House Committee on

Education and the Senate Committee on Education prior to the convening of the 2007 Regular Session.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Adjournment

On motion of Rep. Kenney, at 6:57 P.M., the House agreed to adjourn until Tuesday, May 16, 2006, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Tuesday, May 16, 2006.

ALFRED W. SPEER
Clerk of the House

COMMITTEE MEETING NOTICES

Committee on Civil Law and Procedure

Will meet at: 9:30 A.M. Date: May 16, 2006

Location: Committee Room 2

- | | |
|----------------|---|
| HB 255 | QUEZAIRE TRANSPORTATION DEPT
Changes the date on which legal interest begins to accrue on a final award of compensation against the Department of Transportation and Development in expropriation proceedings |
| HB 1167 | THOMPSON LIABILITY/TORTS Provides an exemption from liability for pilots providing gratuitous medical transportation services |
| HB 1194 | DANIEL LIABILITY Provides that debts incurred through Internet gaming do not have to be repaid |
| HB 1217 | CARTER, K. CIVIL/LAW Enacts the International Commercial Arbitration Act |
| HB 1246 | DEWITT CIVIL/DAMAGES Provides limitations for awarding punitive damages |
| HB 1302 | BURNS PRESCRIPTION Provides for the interruption of prescription for Hurricane Katrina and Hurricane Rita insurance claims |
| SB 35 | LENTINI SUCCESSIONS Provides for conforming legislation to make the requirement for an inheritance tax return relative to judgment of possession consistent with current law. |
| SB 51 | MARIONNEAUX MATRIMONIAL REGIMES Provides relative to use of community movable property by a spouse. |
| SB 123 | LENTINI SOCIAL SERVICES DEPT Amends definition of gross income to include allowances for housing and subsistence that military personnel receive. (gov sig) |

Page 48 HOUSE

27th Day's Proceedings - May 15, 2006

- SB 194 LENTINI EVIDENCE** Provides for the admission of certain records within the Department of Social Services in court proceedings. (gov sig)
- SB 400 ELLINGTON JUDGMENTS** Changes the date on which legal interest begins to accrue on a final award of compensation against DOTD in expropriation proceedings. (7/1/06)
- SB 406 LENTINI MALPRACTICE** Provides for an expedited medical risk review panel process.
- SB 621 MURRAYLIABILITY** Provides for periods of limited liability for public bodies relative to the condition of public property following hurricanes Katrina and Rita.

GLENN ANSARDI
Chairman

Committee on Environment

Will meet at: 9:30 A.M. Date: May 16, 2006

Location: Committee Room 4

- HB 851 DAMICO ENVIRONMENT/FEES** Provides for reviews and determinations by the Department of Environmental Quality
- HB 869 DAMICO ENVIRONMENT/FEES** Authorizes the Department of Environmental Quality to collect additional fees for laboratory accreditation
- HB 877 DAMICO ENVIRONMENT/SOLID WASTE** Establishes a fee on construction and demolition waste disposal
- SB 57 FONTENOT ENVIRONMENTAL HEALTH** Repeals the jurisdiction of DEQ to regulate noise pollution.
- SB 79 FONTENOT FUELS** Provides relative to underground storage tanks and to the financial obligations of tank owners for environmental damages.

N. J. DAMICO
Chairman

Committee on Transportation, Highways and Public Works

Will meet at: 9:00 A.M. Date: May 16, 2006

Location: Committee Room 3

- HB 275 QUEZAIRE PROPERTY/EXPROPRIATION** Decreases the number of persons required to make an estimate for the Dept. of Transportation and Development when expropriating property for right-of-way
- HB 725 BARROW MTR VEHICLE/VIOLATIONS** Requires drivers on public highways to use hands-free devices while using cell phones
- HB 834 BALDONE CONTRACTS/BIDS** Authorizes public entities to undertake public works projects with their own employees

- HB 998 BEARD PUBLIC CONTRACT/BIDS** Prohibits certain parties from packaging products contained in bid specifications

- HB 1032 MARCHAND LEVEES** Provides relative to the management of non-flood protection assets of certain levee districts

- HB 1122 BEARD CONTRACTS/BIDS** Authorizes public entities to debar for cause certain bidders for public contracts

- HB 1200 ARNOLD BRIDGES/FERRIES** Requires the Crescent City Connection Division within the Department of Transportation and Development to operate the Algiers/Canal St. ferry during certain hours

- HB 1216 CARTER, K. MTR VEHICLE/SEAT BELTS** Provides for child restraints in motor vehicles

- HB 1295 DOWNS UTILITY/MUNICIPAL** Provides relative to the cost of relocating utilities for state highway construction projects

- HB 1312 TOWNSEND MTR VEHICLE/WINDSHIELDS** Provides with respect to motor vehicle windshield tinting requirements

- HB 1343 BEARD MOTOR CARRIERS** Provides relative to the transportation of certain human material

- SCR 3 HINES WATER/WATERWAYS** Continues the Bayou Boeuf Advisory Committee until July 1, 2009.

- SB 227 GAUTREAUX, N. SAFETY REGULATIONS** Exempts certain utility workers in the performance of their official duties from the safety belt law under certain circumstances. (gov sig)

- SB 252 ELLINGTON ROADS/HIGHWAYS** Prohibits damages from being assessed to a utility for delay in relocation work if such delay is caused by the unjustifiable delinquency of others under certain circumstances. (gov sig)

- SB 394 ELLINGTON EXPROPRIATION** Decreases the number of persons required to make an estimate for DOTD when expropriating property for right-of-way. (gov sig)

ROY QUEZAIRE
Chairman

Committee on Ways and Means

Will meet at: 9:30 A.M. Date: May 16, 2006

Location: Committee Room 6

- HB 2 HAMMETT CAPITAL OUTLAY** Provides for the comprehensive capital outlay budget

- HB 3 HAMMETT CAPITAL OUTLAY** Provides for the Omnibus Bond Act

- HB 1064 WINSTON TAX/SALES-USE, STATE** Provides extensions for filing and payment of state sales and use taxes

SB 190 **MOUNT REVENUE DEPARTMENT** Authorizes the secretary of revenue to require electronic filing of tax returns under certain circumstances. (gov sig)

SB 267 **MOUNT REVENUE DEPARTMENT** Authorizes the Department of Revenue to disclose return and return information to certain state agencies and provides for the confidentiality of such information. (gov sig)

SB 268 **MOUNT TAX/INCOME/CORPORATE** Classifies as "penalty" amounts assessed for failure by a corporation to pay estimated income tax and adjustment of overpayment of estimated income tax by a corporation. (gov sig)

BRYANT O. HAMMETT, JR.
Chairman

Weekly Committee Schedules

The following committees posted weekly committee schedules as follows:

Weekly Committee Schedule

HOUSE OF REPRESENTATIVES

Committee on Education

Wednesday, May 17, 2006
Committee Room No. 1
9:30 A.M.

INSTRUMENTS TO BE HEARD:

SB 186 **HINES POSTSECONDARY ED** Creates an additional exemption from registration and licensing requirements for colleges. (gov sig)

SCR 18 **NEVERS BESE** Requests the State Board of Elementary and Secondary Education to consider pay increases for school support personnel.

SB 564 **QUINN SCHOOLS** Requires parents to attend a minimum number of parent-teacher conferences. (gov sig)

HB 986 **CRANE HIGHER EDUCATION** (Constitutional Amendment) Abolishes the four postsecondary education management boards and creates a single board for the governance, management, and supervision of all public postsecondary education

Thursday, May 18, 2006
9:30 A.M.

INSTRUMENTS TO BE HEARD:

HB 910 **SALTER STUDENT/TUITION** Authorizes the LSU Board of Supervisors to impose an increase in the operational fee for students

SB 32 **THEUNISSEN SPECIAL DISTRICTS** Creates the Parishwide School District of the Parish of Cameron and authorizes it to levy only for the 2006 tax year a property tax not to exceed 10 mills for the purpose of giving additional support to public schools in the parish. (gov sig)

SB 489 **SMITH, MIKE FUNDS/FUNDING** Creates the Louisiana Geography Education Initiative Program to develop and implement an educational program to enhance knowledge of the importance of geography in Louisiana and authorize the receipt of public and private funds for such purposes.

SB 530 **FIELDS COLLEGES/UNIVERSITIES** Eliminates any authority for the Board of Regents to confirm the appointments of postsecondary system presidents. (gov sig)

CARL CRANE
Chairman

Weekly Committee Schedule

HOUSE OF REPRESENTATIVES

Committee on Judiciary

Thursday, May 18, 2006
Committee Room No. 1
UPON ADJOURNMENT

INSTRUMENTS TO BE HEARD:

HB 468 **JACKSON, M. RISH/EAST BATON ROUGE** Provides relative to intergovernmental agreements between the city of Baton Rouge/East Baton Rouge Parish and the East Baton Rouge Parish Juvenile Court

HB 557 **MORRELL COURTS/MUNICIPAL** Provides for the amount of fines a municipal court can impose for certain violations

HB 807 **KENNARD COURTS/COURT COSTS** Provides for imposition of a fee in criminal cases in EBR Parish to be used to defray the expenses of the coroner's office

HB 878 **GALLOT CONTRACTS** Authorizes the attorney general to procure private legal services for representation of the state through contingency fee contracts in suits involving specified named drugs

HB 911 **DEWITT ATTORNEY GENERAL** Authorizes the attorney general to employ counsel to represent the interest of the state

HB 942 **RICHMOND PARISHES** Provides for the merger of any parish with a population of 25,000 or less with the least populated parish that is contiguous with it that has a population of 25,000 or more, subject to voter approval

HB 997 **CRAVINS, JR. INDIGENT DEFENSE** Provides that regional indigent defense centers can receive state funding

HB 1346 **KENNARD LAW ENFORCE/OFFICERS** Provides for off-duty witness fees for law enforcement officers testifying before the 19th JDC

SB 169 **CHAISSON COURTS** Provides for court reporter fees for the Twenty-Ninth Judicial District Court.

Page 50 HOUSE

27th Day's Proceedings - May 15, 2006

SB 214 **MURRAY COURTS** Provides for the amount of fines a municipal court can impose for certain violations.

SB 226 **GAUTREAUX, N. LAW ENFORCEMENT**
Repeals mandatory age requirement for constables to retire. (gov sig)

SB 266 **MOUNT CIGARS/CIGARETTES** Authorizes the sale of cigarette tax stamps to out-of-state dealers registered by the state. (gov sig)

JOSEPH F. TOOMY
Chairman

Weekly Committee Schedule

HOUSE OF REPRESENTATIVES

Committee on Labor and Industrial Relations

Thursday, May 18, 2006
Committee Room No. 5
8:00 A.M.

INSTRUMENTS TO BE HEARD:

HB 194 **HUNTER EMPLOYMENT** Increases minimum wage

HB 283 **RICHMOND LABOR** Increases minimum wage

HB 1067 **WINSTON UNEMPLOYMENT COMP** Provides an extension to file annual employer contributions with respect to wages for employment in extraordinary circumstances

HB 1144 **BOWLER WORKERS COMPENSATION**
Repeals the applicable dates for catastrophic injury claims

WILLIE HUNTER
Chairman

Weekly Committee Schedule

HOUSE OF REPRESENTATIVES

Committee on Municipal, Parochial and Cultural Affairs

Wednesday, May 17, 2006
Committee Room No. 6
UPON ADJOURNMENT

INSTRUMENTS TO BE HEARD:

HB 467 **W A L S W O R T H E C O N O M I C
DEVEL/COMMUNITY** Creates the Bawcomville Economic Development District

HB 493 **WOOTON DISTRICTS/SPECIAL** Provides relative to the Plaquemines Parish Courthouse District

HB 543 **HEBERT LOCAL FINANCE/BUDGET ACT**
Requires parish and municipal governing authorities at the beginning of a term of office to study certain functions, programs, and services of the governmental entity relative to their effectiveness, efficiency, and responsiveness

HB 712 **WALSWORTH SEIZURES/SALES** Provides for the maximum amount of the fee or commission a realtor may receive for assisting local governments in selling tax-adjudicated property and authorizes negotiated fees

HB 741 **RICHMOND PUBLIC WORKS** Establishes a local hiring preference in Orleans Parish for certain public works contracts

HB 751 **GRAY PLANNING/ZONING** (Constitutional Amendment) Requires land use and zoning regulations to include provisions for inclusionary zoning for affordable housing

HB 762 **WINSTON MUNICIPAL** Authorizes the governing authority of the village of Folsom, subject to voter approval, to impose impact fees on new development

HB 881 **QUEZAIRE PROCUREMENT** Provides relative to telecommunications and procurement by political subdivisions

HB 974 **GRAY PLANNING/ZONING** Authorizes and requires municipalities and parishes with land use or zoning ordinances or regulations to provide for inclusionary zoning for affordable housing

HB 1040 **CAZAYOUX DISTRICTS/SPECIAL** Creates the West Side Parishes Retirement District

HB 1091 **JACKSON, M. PARISHES** Relative to parish redevelopment agencies, provides for effectiveness of provisions applicable thereto in parishes with a population exceeding 400,000 by ordinance instead of election

HB 1160 **FAUCHEUX PLANNING/ZONING** Authorizes the governing authority of certain municipalities to pay a per diem to members of the municipal planning commission

HB 1183 **MORRISH PARISH/GOVERN AUTHORITY**
Authorizes parish governing authorities to provide for the general health, safety, and welfare of the citizens of their respective parishes

HB 1259 **BURRELL PROPERTY** Provides relative to property adjudicated to a parish or municipality for the nonpayment of taxes or other charges and assessments

HB 1333 **CRAVINS DISTRICTS/SPECIAL** Provides with respect to the St. Landry Parish public works districts

HB 1356 **HARRIS DISTRICTS/NEIGHBORHOOD**
Authorizes certain parishes to create neighborhood development districts in certain areas of the parish

HCR 128 **DURAND TOURISM** Creates and provides for the Central Acadiana Tourism Development Advisory Commission to study and make recommendations relative to regional tourism development

ERNEST BAYLOR, JR.
Chairman

Weekly Committee Schedule

HOUSE OF REPRESENTATIVES

Committee on Retirement

**Thursday, May 18, 2006
Committee Room No. 4
10:30 a.m.**

INSTRUMENTS TO BE HEARD:

HB 348 QUEZAIRE RETIREMENT/STATE EMPS
Provides relative to retirement eligibility and
contribution rates for members of the Crescent City
Connection Division of the Department of
Transportation and Development

M.P. SCHNEIDER III
Chairman

THESE SCHEDULES ARE TENTATIVE ONLY. LEGISLATIVE INSTRUMENTS
MAY BE ADDED OR DELETED PRIOR TO MEETING DATE. SEE THE DAILY
NOTICE OF COMMITTEE MEETINGS POSTED PRIOR TO MEETING DATE.